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Thesis

THE USURPATION OF THE GOVERNMENTS OF NEW HAMPSHIRE AND MAINE AND THE ANNEXATION OF THESE PROVINCES BY THE MASSACHUSETTS BAY COLONY

by

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INTRODUCTION

The object of this paper is to set forth the history of the usurpation and the annexation by the Massachusetts Bay Colony of the New Hampshire and Maine Provinces in the period close upon their founding. The aim is to review the matter of territorial claims in the New England colonies, to repeat the history of boundary disputes, and to observe the motives and methods of Massachusetts activities in the northern provinces, with a view to developing the point that the Massachusetts Bay Colony gained possession of these provinces by means that were unlawful. The study of this phase of colonial development covers the entire range of Massachusetts' history as it was related to that of New Hampshire and Maine from 1629 to the settlement of the right of jurisdiction in 1677.

Section I

THE RISE OF THE MASSACHUSETTS BAY COLONY IN NEW ENGLAND

That the provinces of Maine and New Hampshire should in time fall prey to the Massachusetts was wholly inevitable from the circumstances of her founding and the current of her development. A resumé of Massachusetts' history makes this plain enough. That colony had its origin in a patent from the Council for New England to Sir Henry Roswell and his associates, dated March 19, 1627/28 for all that part of New England, three miles north of the Merrimac River and three miles south of the Charles and from the Atlantic Ocean to the South Sea (Pacific). In the next year a royal charter was issued by James I to these same patentees, confirming their right to government as well as to soil.[1]

Within this grant lay the lands of Robert Gorges, John Mason's "Mariana" and a portion of the joint grant to Mason and

1. Mass. Bay Records, I
N. H. Provincial Papers, p.19
Hazard Coll. I, pp. 239,255
W. R. Scott: Joint Stock Companies, Vol. II, p. 312 -- "Owing to the overlapping of grants by the Council for New England, it was feared that the title of the company to its lands might be assailed and therefore application was made to the crown for a charter."
The original patentees of the Company in England were Sir Henry Roswell, Sir John Young, Thomas Southcot, John Humphrey, John Endicot, Simon Whetcomb, all of Dorchester, England.

Gorges of August 10, 1622 between the Salem and Merrimac Rivers. It was assumed, as Thomas Hutchinson in his "History of Massachusetts" said, that the lesser grants, being neglected by their grantees, were forfeited or void. The Mason-Gorges grants were hardly in that category, nor would Sir Ferdinando Gorges allow his son's grant to pass as such, hence we have the beginning of the boundary dispute which was to take the greater part of the century to settle.

Robert Gorges had a prior right to the Massachusetts Bay by a patent which he had secured from the Council for New England on December 30, 1623, upon the payment of £160 and in consideration of his father's services to the Council, comprising "all that part of the mainland commonly called Messachusiac on the north-east side of the Bay known by the name of Massachuset, together with all the shores along the sea for ten English miles in a strait line towards the north-east and thirty miles into the mainland through all the breadth aforesaid."[1] Of the colony which he attempted to settle at Wessagusset, a remnant remained on the Bay—Blackstone, Jeffries, Samuel Maverick, Walford, Thomson, and Burslem—to challenge the right of the Massachusetts Company to settlement on the Gorges grant.[2]

1. S. F. Haven, Historical Grants New England Council.

2. F. Rose-Troup is in agreement with C. F. Adams Sr. that they were of the Gorges colony. S. F. Haven is not in agreement -- there is reason for argument here.

Sir Ferdinando Gorges and Captain John Mason held their title to northern New England by a series of some five patents issued to them by the Council for New England. This organization was a land development company and held all of the territory between 40° and 48° north latitude, which it farmed out to individuals and companies on various terms of rental.[1] It was responsible for all of the grants we are likely to discuss, from 1620 to 1635 when the organization disbanded.

The first patent whereby John Mason gained title to land in New England was issued on March 9, 1621 for the headland of Cape Anne between the Naumkeag (Salem) and the Merrimac Rivers to their sources and including the islands on the coast. This was Mason's Mariana. Many years later in 1679 the claim was made by the heirs of the Mason estate in seeking recovery of their lands, that John Mason having settled a colony at Cape Anne in 1622-23 under the stewardship of one Ambrose Gibbons, the Massachusetts in 1630 "siezed upon that part of the Province stretching their bounds three miles to the northwards of the Merrimac River and turned the servants and tenants of the said John Mason out of their possessions" under the pretence of their charter powers.[2] It was said by the historian Hubbard

1. S. F. Haven, The History of Grants of New England Council, gives excellent review of its organization and affairs. The Earl of Warwick was President, Gorges, Vice President, and Mason, Secretary.

2. N. H. State Papers I, p. 534, 1678.

that Mason came to an agreement with Mr. Mathew Cradock, first Governor of the Massachusetts Company in England, whereby the Massachusetts was permitted to gain the land to the Merrimac while Captain Mason retained for himself the land beyond to the Piscataqua.[1] Such an agreement would in itself constitute a tacit recognition by the Massachusetts of the superior right of Mason to the land in dispute. Be that as it may, the fact is that with the dissolution of the Council for New England, Mason again claimed proprietorship to the Naumkeag-Merrimac lands.

On August 10, 1622, Captain Mason and Sir Ferdinando Gorges came into joint possession of the territory between the Merrimack and the Sagadahock Rivers (Kennebec) to a point sixty miles inland. They were to have all of the islands within five leagues of the shore. This was named the "Province of Maine."[2] On November 7, 1629 the two proprietors affected a division of their grant, Mason taking for himself the land from the Merrimac to the Piscataqua and sixty miles inland with the islands along the coast, and leaving to Gorges the land from thence north to the Sagadahock.[3] Captain Mason distinguished his grant from that

1. J. Belknap -- History of New Hampshire, p. 9
2. N. H. Provincial Papers, Vol. I, p.10, August 10, 1622
3. N. H. Provincial Papers, Vol. I, p.21, November 7, 1629
   S. F. Haven -- Historical Grants of New England Council.

of Sir Ferdinando by naming it the New Hampshire. On November 17, 1629, these two proprietors, together with seven merchant adventurers, obtained a grant in the region of Lake Champlain called the Laconia which they immediately set about developing.[1] What are known as the patents of April 22, 1635, to John Mason and Sir Ferdinando Gorges, with the charter of April 3, 1639, to Gorges were, strictly, confirmations of these earlier grants. Thus, upon the dissolution of the Council for New England on June 7, 1635, and with the reassignment of its entire holdings among the remaining patentees of that company, John Mason, on April 22, 1635, received a patent confirming his proprietorship to all of his previous holdings between the Naumkeag and the Piscataqua, and sixty miles northwest into the land. Gorges sold to Mason an additional tract on the northeas side of the Piscataqua, three miles in width following the river to its head. This constituted the so-called Newichawannock where Mason had already built sawmills[2] and had engaged in industry. To Sir Ferdinando were granted the lands from the Piscataqua to the Sagadahock Rivers, together with an additional sixty miles inland, the right to which, as we have said, was confirmed by the King on April 3, 1639, and gave to Gorges privileges of government equal to those of the Bay Colony.

1. N. H. Provincial Papers, Vol. I, p.27, Nov. 17, 1629.

2. Ibid. Vol. 17, p. 488.
E. Hazard, Historical Collections, Vol. I, p. 388, Feb. 3, 1634/35.

We may divide the history of the colonial expansion of the Massachusetts Bay Company into two periods of growth and development, the first having to do with the founding of the colony itself and its expansion within admittedly rightful borders, the other with expansion under the later interpretation of her charter rights. The history of the usurpation and annexation of the provinces of New Hampshire and Maine falls within this second phase of her expansion. The first phase of development opens with the origin and nature of the Massachusetts charter, explaining the conflict in boundary claims and the motive for Massachusetts expansion.

The distinguishing feature in the psychology of the Bay Colony throughout its entire history was the fear element. The Massachusetts Bay Colony was founded upon this element of fear; to begin with, of previous grantees to the same territory for which she held her patent on the Massachusetts Bay, and a growing fear that she might not be able to sustain the claims she owned to be hers, once she had staked them. This statement is evident from two letters, the one written in anticipation of the founding of the Colony, the other a year later when the Colony appeared to be well settled. The first letter was written by Governor Cradock, first governor of the Massachusetts Company, in regard to the planting of the Colony upon the Robert Gorges lands. Another claimant to these lands was one John Oldham, a roving trader, who had purchased a portion of the Robert Gorges patent for

land between the Charles and the Saugus Rivers upon which he intended to settle. The Massachusetts Company, however, resolved to supplant Oldham's rights, hence the hurried settlement of the Massachusetts Colony and the instructions for such, to Governor Endicott at Salem:

> "And because we would not omit to do anything which might strengthen our right, we would have you (as soon as these ships, or any of them, arrive with you, whereby you may have men to do it,) send forty or fifty persons to Massachusetts Bay, to inhabit there, which we pray you not to protract, but to do it with all speed; if any your Company in particular shall desire to settle themselves there, or to send servants thither, we desire all accomodation and encouragement may be given them there unto, where by the better to strengthen our possession there against all or any that shall intrude upon us, which we would not have you by any means to give way unto."1

Having actually seen the deed of the grant to John Oldham and John Dorell, Governor Cradock, author of the letter observed, "Though I hold it void in law yet his claim being to this, you may, in your discretion, prevent him by causing some to take possession of the chief part thereof."

The second letter referred to, was written by John Humphrey to Governor Winthrop and expressed his fears in regard to the settlement of the Colonies upon the site of the Robert Gorges claim. He warned the Governor of the probable

1. A.Young, Chronicles of First Planters of Mass. Bay, p.171

inability to sustain, "the claim to Massachusetts in respect of the several titles and pretensions of several men."[1] He advised that the Narragansett be explored and the Hudson, with a view to transplanting the Massachusetts government thither; then, if worse came to worst the present site could be abandoned. He had in mind Sir Ferdinando Gorges who had begun to complain of the activities of the Massachusetts Company in relation to the "strengthening" of their title, for he wrote, "Sir Ferdinando Gorges has come to this to desire that his people and planters (by virtue of his son's patent) may live quietly and uninjured by us," and we have the warning of fear in the next words, "though Sir Ferdinando neither will nor can do us much good, yet he or any may have care to do us hurt." This last sentence is the basis for the Massachusetts behaviorism in colonial enterprise.

There was no reason before the point of the Massachusetts encroachment upon the Robert Gorges lands for any enmity between Sir Ferdinando Gorges and the Massachusetts Company. Whatever hostility developed, came out of the circumstances of the founding of the Massachusetts Colony. Gorges had been willing enough that the Puritan gentlemen who applied to the Council for New England through the Earl of Warwick, should receive a grant of land, "provided it . . . be not prejudiciall to my sonne Robert Gorges' interests,

1. Mass. Hist. Society Colls, series 4, vol. 6, p.4
Dec. 9, 1630.

whereof he had a Patent under the seal of the Council."[1] When it developed, however, that the founders of the Massachusetts Colony had seized upon the Gorges lands and had planted a colony there, driving out the planters established under the Gorges right, Sir Ferdinando turned upon the usurpers for an explanation.

Then, there was revealed the manner of the origin of the Massachusetts Charter. Gorges accused the Massachusetts Company of obtaining its charter by unlawful means. It had happened that, "there were certain (men) that desired a Patent of some lands in the Massachusetts Bay to plant upon, who presented the names of honest and religious men (and) easily obtained their first desires; but those being once gotten, they used other means to advance themselves a step beyond their first Proportions to a second grand surreptitiously gotten of other lands also justly passed unto Captain Robert Gorges, and others long before."[2] The first patent had been apparently modest and acceptable in its terms; the charter, it seems,

1. Sir Ferdinando Gorges, Brief Narration of Original Undertakings. Ed. 1658, p. 41.

2. E. Hazard, Historical Collections, Vol. I, p.390-2.
N. Sainsbury, America and West Indies, 1660-68, p.204-5.
Robert Mason in 1676 repeated the accusation, "the Massachusetts Company did surreptitiously and unknown to the said Council, get the seal of the said Council affixed to a grant of certain lands and did by their subtle practices get a confirmation under the great seal of England." Mass. Bay Records, Vol 5, p. 111 (1676).
(N. Sainsbury is more commonly known under the title of Calendar State Papers, America and West Indies.)

was the result of fraud on the part of the Earl of Warwick in collusion with "certain" of the Massachusetts Company. What Frances Rose-Troup,[1] the historian of this phase of the Massachusetts' history supposes to have happened, was that the Earl of Warwick, upon petition of the Massachusetts Company for the enlargement of its holdings after it was in possession of the first grant, gave them outright the grant of May 31, 1622, made to him and his associates, the Lords Gorges, Sir Robert Mansell and Sir Ferdinando Gorges, and without their knowledge or consent. She infers this from an entry of September 29, 1629 in the Records of the Massachusetts Company; "It is also thought fitt and ordered, that the Secretary shall wryt out a coppy of the form^r Grant to the Erll of Warwick and others, wch was by them resigned to this Company, to be presented to his L^P, as he having desired the same."[2] If we are to discredit the words of Sir Ferdinando in their full implication of theft, there still remains the uncertainty of land rights coming from the Council for New England where, with the overlapping of boundaries and a duplication of patents for the same grant, patents were for the most part invalid and possession alone determined ownership. If we are to assume the realization of this uncertainty by the Massachusetts Patentees as the

1. Frances Rose-Troup, The Mass. Bay Company, p. 49.
2. Mass. Bay Records, Vol. I, p. 54.

reason for obtaining the King's sanction of their patent right, we are still at a loss to explain the fears the Massachusetts gentlemen had for, "the several titles and pretensions of several men," to the territory on the Bay. Whatever the ethics may have been in procuring the charter, there is no uncertainty about the method by which the territory of the Massachusetts Bay was taken over.

As soon as the foregoing instructions of Governor Cradock to Governor Endicott were ready, and before negotiations were definitely closed with Oldham, who at the time of the contemplated colonization by the Massachusetts Company was seeking to join interests with the Patentees of that company, one of three ships which lay cargoed for the expedition was dispatched overseas. The ship "George" arrived at Salem on June 20 and settlers were at once sent overland to take possession of Massachusetts Bay. The three Sprague brothers with three or four others "by the joint consent and approbation of Mr. John Endicott, Governor," journeyed through the woods to that place granted some five months earlier to John Oldham. North of the Charles River they came upon a hill and place called Mishawum, some twelve miles below Salem, where they established themselves with the consent of the native sagamore. On this wooded neck of land they found a single thatched cottage in which lived Thomas Walford, a smith by trade, and one of Robert Gorges' men. Other emmigrants followed. Thus, with the founding

of Charlestown was settled the proprietorship of the Robert Gorges' lands. In the next year Shawmut became the seat of the Puritan settlement. This was the beginning of the Puritan invasion of New England.

In the establishment of the colony on the Massachusetts Bay every measure was taken to insure the "good and safety of the Plantation," and every precaution for "strengthening" the Puritan right. Earlier titles were vacated and earlier settlers were ousted from their holdings. This procedure, with the censorship and ostracism of immigrant undesirables, and the careful destribution of able planters in the older settlements, was a policy the Massachusetts followed in the colonization of the Massachusetts Bay. As such, it may be observed as operative throughout that government's intercolonial relations with her neighbors, and especially so to the north.

Examples of what we mean in the first instance are the cases of William Blackstone of Shawmut, Thomas Walford of Charlestown Neck and Samuel Maverick of Noddles' Isle. They were the sole inhabitants on the Bay when the Massachusetts took over the site at Boston and were remnants of the Gorges settlement, as we have said. They were in the course of the Massachusetts' settlement driven from their homes to seek habitations farther afield. Mather reveals the motive of their persecution in the sentence (Magnalia I, 243), "by happening to sleep first in a hovel, upon a

point of land there, Blackstone laid claims to all the ground whereupon there now stands the Metropolis of the whole English America." Blackstone received a mere pittance of fifty acres about his hut which he was soon enough glad to surrender. In 1634 Blackstone turned westward to the Narragansett where he lived peacefully for many years. Thomas Walford on May 3, 1631, was fined 40 shillings and ordered, "to depart out of the limits of this patent before the twentieth of October next, under pressure of confiscation of (his) goods, for (his) contempt of authority and of confronting of officers." Walford reestablished himself in the northern province at Strawberry Bank (Portsmouth) where he lived in high esteem, acquired property and served in public office. Another of the first settlers to be hounded out of the colony was Samuel Maverick, who was destined to return after 1660 and to sit in judgment of that colony.[1]

The Massachusetts Bay Colony was essentially a religious state, hence there was no room in the colony, however wide her bounds, for any other than Puritan in creed. Thus, there followed the ostracism of lone individuals for religious differences with the magistracy, and after 1636 the dismissal from the colony of whole groups of the populace. Of the latter, Anne Hutchinson was the leader of one group to leave

1. C. F. Adams, Three Episodes in American History, Vol. I, p. 322.

the colony for regions to the south; John Wheelwright and his adherents to go to the north. Of the persons driven out of the colony before 1635, Thomas Morton was one, Christopher Gardener and Philip Ratclif were others. Their stories are representative of the general method of persecution the Massachusetts employed.

Thomas Morton was not a fortunate individual in his travels. In the first year of that colony's founding, he had been shipped to England by the Massachusetts for his unseemly conduct at Mount Wollaston. The next year he returned again to the colonies and again took up his abode at Mare-Mount. On September 7, 1630, he was summoned to Boston and a sentence of the General Court was passed upon him; he was to be set in bilboes and to be sent to England, his goods were to be seized upon to defray the expense of his transportation thither, "because he had unjustly taken a canoe from some Indians and had wronged them at various times." In England with the two others who had suffered from the ill treatment of the Massachusetts, Sir Christopher Gardiner and Philip Ratclif, he worked for the downfall of Puritanism in New England.

Sir Christopher Gardiner came over to New England about a month before Governor Winthrop arrived and, as Adams the historian surmises, was without doubt an agent of Sir Ferdinando Gorges who was commissioned to do what he could to maintain the Gorges claims against the newcomers. He

took up residence at Neponset from which place he watched the Puritan activities. The magistrates of the Massachusetts questioned his presence there and upon ascertaining its purpose, they ordered him out of their limits. Gorges had "some secret design to recover his pretended right," said Governor Winthrop," and reposed much trust in Sir Christopher.[1] Upon his capture he was directed out of the bounds.

As for Philip Ratclif, a waif of fortune, for "scandalous invectives uttered against our churches and government (he) was censured to be whipped, lose his ears, and be banished the plantation," which the Governor assures the reader of his journal was "presently executed."

In the words of Sir Ferdinando Gorges, they "so framed unto themselves both new laws and new concepts in matter of Religion and forms of Ecclesiasital and Temporal Orders and government, punishing divers that would not approve there of, some by whipping, and others by burning their Houses over their heads, and some by banishing, and for the like, and all this partly under other pretences, though indeed for no other cause, save only to make themselves absolute masters of the Country."[2]

By 1635 Sir Ferdinando Gorges could make this statement with all truth. The Massachusetts had by 1635 enveloped

1. Winthrop's Journal, Hosmer ed., p. 64.

2. E. Hazard, Hist. Coll. Vol I, p. 391-2.

all of the territory surrounding her along the Bay and was well on the way toward the realization of a commonwealth. She held the Bay south toward Scituate and to the north beyond Cape Anne, along the Merrimac into New Hampshire. New plantations were founded, subsidiary to the Massachusetts, and it was now the turn of Sir Ferdinando to show fear of the Massachusetts. John Mason, proprietor of all the lands north of the Salem River, joined in the attack upon the Massachusetts; for he had been deprived of his possessions to the point of the Merrimac. Together, they brought the Massachusetts Company before the Privy Council but without success. The Massachusetts' policy of craft prevailed.

The history of the Massachusetts' intrusion into the affairs of Wessaguset (Weymouth) is a typical example of her manner of procedure with the older plantations. In 1635 Wessaguset was taken over by the Massachusetts and twenty-one Puritan families from England were settled there under the ministry of the Puritan Mr. Hull. The newcomers and the "old planters," who were Anglicans, at first fell into a turmoil whereupon the Massachusetts took an active hand in the disturbance, settling the matter in a uniquely Puritan fashion. The Anglican minister was willing to recant for his part in the trouble, and his adherents were punished. One was whipped, a second was fined and a third was informed that

the "General Court was weary of him, unless he reform."[1] Within the space of a few years it could be said that so completely had Puritanism leavened the whole that, "it even passed from the memory that the original settlement under Robert Gorges had proved a permanent one and the closest scrutiny failed to detect, in record or tradition a trace of Episcopalian teachings."[2]

It must be clear from the foregoing paragraphs that no single obstacle was permitted to stand in the way of the Puritan Colony's assured establishment in New England. The lesser grants within the immediate precincts of the Bay, it has been observed, were directly enveloped by that power and a grasp laid upon regions more remote by means of the outward building of plantations. Within five years of the first colonization the Massachusetts had achieved comparative security in New England. The Council for New England brought its business to a close in April, 1635, and the wrangling among its members over the rights and activities of the Massachusetts ended. In the same year John Mason died, and Sir Ferdinando Gorges alone remained of the Massachusetts foe to carry along the feud. The plan for the revocation of the Massachusetts Charter was set aside for more important affairs of state, and Sir Ferdinando was in

1. C. F. Adams, Three Episodes, Vol. I, p. 341.
2. C. F. Adams, Three Episodes, Vol. I, p. 341.

no position financially or otherwise to carry out the commission of General Governor of New England. The Nation after 1635 turned to war. In New England, the Massachusetts busied herself with the affairs of commonwealth. Self-preservation as the primary motive of the Massachusetts activities in New England gave way to self aggrandizement. What had been a worthy desire for self expression now became greed. Whatever perversion there had been of the first, before 1635, became obvious in the years following. Her relations with the Plymouth Plantations are an example of this.

To the South, little Plymouth stood as a wall to her encroachment in that direction. In 1631 the Massachusetts made her first intrusion upon the Plymouth Colony. A pinnace authorized by the Boston authorities to trade "surreptitiously within Plymouth bounds"and which had been blown into that harbor by a storm, was returned to Boston with the warning that such depredations on Plymouth must stop, or they would be resisted, "Even to the spending of our lives." With Captain Standish to enforce the decree, it is needless to say the act was not repeated.[1]

In 1635, upon the outright seizure and dispossession of the Plymouth grant on the Connecticut River, the Massachusetts upon protest from the Plymouth Colony held that

1. John A. Goodwin, The Pilgrim Republic, p. 346.

"God in a faire way tendered it to us." To this Bradford replied, "they should not abuse God's providence in such allegations." . . ."It was the Lord's waste" and "by His providence" they came upon this precise spot, where since the Plymouth people used it merely as a trading-post the Bostoners were determined, "they should sieze the land and put it to ye right ends for which land was intended." So ended the matter; the Plymouth men were dispossessed of all but a paltry acreage about their trading post and in time circumstances brought about their removal entirely.[1] With a piety of words the Massachusetts covered the realism of their theft.

The settlement of the boundary line between Plymouth and the Massachusetts reveals a situation similar in complexion to that in the north. In 1639/40 the two colonies engaged in a worded controversy. The Bay Government claimed that by the "Charles" was meant the land south of the furthermost tributary of the Charles, thereby bringing into her bounds all of the region of Cape Cod Harbor, Scituate, Marshfield, Duxbury, Plymouth Harbor, and a large part of Plymouth itself and Taunton. Bradford replied to such "preposterous" demands by making an example of his native river the "Humber" with its tributaries all named, to show how individual must be each stream and rivulet flowing into

1. John A. Goodwin, The Pilgrim Republic, p. 393.

the great river. By this reasoning the Plymouth were able not only to maintain their existence, but to take from the Bay Colony a good tract which clearly did not belong to them. The Massachusetts turned to the north thereafter.

The foregoing history of events pertaining to the procurance of the charter by the Massachusetts Company and the settlement of the colony upon the Massachusetts Bay, has been given in order to establish an understanding of the facts which entered into the later relations of the Massachusetts with her neighbors to the north. The thesis is that the annexation of the Provinces of New Hampshire and Maine by the Massachusetts was an action deliberate and politic in nature, in pursuance of a practice which had its beginnings with the founding of the Bay Colony. The aim has been to present those facts which were fundamental to the establishment of such a policy, having to do with the nature of the Massachusetts Charter, and the advancement of the Colony in New England. By furnishing examples characteristic of Massachusetts behavior, in all fairness, we leave it to the reader to determine the qualities which went into the building of the Puritan Commonwealth. The attempt will be made to show that methods similar to those employed by the Massachusetts in enveloping the lands of Robert Gorges and the territory surrounding, were resorted to in the usurpation of the governments to the north.

Section II

THE MOTIVES FOR THE EXPANSION OF THE BAY COLONY INTO NEW HAMPSHIRE AND MAINE

In her encroachment upon the New Hampshire and Maine provinces the Massachusetts Bay Colony was acting in continuation of her policy of seizure for settlement, growth and self advancement. Her motives as in the seizure of the territory adjacent to her were of the same general nature -- religious, political and economic. She defended herself in the annexation of these provinces with reasons which were not necessarily based upon fact; they were cited as being, the political unrest in the provinces endangering her own salutary existence, the pretended extent of her boundaries and the claims that the provinces themselves sought annexation. These do not coincide with the motives as we find them to be and in the development of the thesis this becomes evident.

In religion, the Massachusetts Bay was Puritan in its doctrines, founded under the stress of religious persecution. To the north lay the Anglican provinces, inimical in interest to the Puritans. Within the Bay Colony conformity was strictly enforced as a political measure. Thus Maverick and Walford were expelled from the colony; Thomas Morton and Frances Ratclif driven out of the land. As in England the Puritans had been denied tolerance, so now

they by the same measure denied tolerance -- the inquisition of old world politics was by the Puritans transplanted to the new world. So, Anne Hutchinson was banished from the Colony, and John Wheelwright, her brother. John Wheelwright was exiled on a charge of sedition and contempt of government, because it appeared to the General Court that, "he had enkindled the religious difference which the Court had endeavored to reconcile in the Colony."[1] He fled to New Hampshire where he took up his abode with the Piscataqua planters. The Massachusetts Fathers, not content with his removal from the Colony, followed him by letter, demanding his complete destruction. The Governor wrote, "whereas there had been good correspondency between us formerly, we could not but be sensible of their entertaining, countenancing, etc. some that we have cast out. . . and that our purpose (is) to survey our utmost limits and make use of them."[2] NewEngland could contain no one unfriendly to the Puritans.

The religious motive was a strong one but it served in a sense to conceal motives not so commendable. By methods of religious proselyting the Massachusetts, in the north as in the south, preyed upon the neighboring provinces. By

1. Alexander Young, Chronicles of the First Planters, p.149

2. Winthrop, History of New England (1638), Vol. I, p. 332. Savage ed.

means of a visiting clergy the Massachusetts took the first steps toward their annexation. Long before the Wheelwright case troubled the "correspondency" of the Puritan magistrates, the Massachusetts had in their survey of the surrounding country discovered the particular merits of the territory to the north. "One thing will be humbly desired from his majesty in this patent (a new one being sought in 1633), that the patent be enlarged a little to the north, where are the best firs and timber."[1] The Piscataqua River possessed harbor facilities, which in accordance with Massachusetts needs, would in time be of great advantage to the government. In the words of Reverend George Burdet, Governor of the Piscataqua we have as the real motive for the annexation of New Hampshire, "because ye River of Pascataquay is very beneficial for plantation, having also an excellent harbor wch may p(ro)ft or annoy them in case of warre; therefore they endeavour wth all their skill and might to obtaine ye Comand thereof."[2] Religion, like the boundary claim, was merely an excuse for entering the provinces. In her encroachment upon the northern provinces, the Massachusetts acted upon a motive which was religious in aspect, but at root was political and economic. Actually, the Mass-

1. N. Sainsbury, 1669-74, Dec. 12, 1633, #159.
2. J. S. Jenness, Original Documents, p. 31-2.

achusetts required the Piscataqua and surrounding lands for the furtherance of commerce and industry in the rising Puritan commonwealth, and in a political sense, for the protection it afforded in the safeguarding of the commonwealth.

Section III

THE ANNEXATION OF NEW HAMPSHIRE TO THE JURISDICTION OF THE MASSACHUSETTS -- 1641, 1643.

At the time when the Massachusetts Bay Colony was founded, two settlements had already been planted in the New Hampshire. They were Dover and Strawberry Bank (Portsmouth), located on the Piscataqua River. There was a third scattering of families on the Maine side of the river which in time came to be known as Kittery, and whose history developed parallel with that of Strawberry Bank in its sympathies and associations. The first two settlements had their origin in the Mason-Gorges right of April 22, 1622, through David Thomson who in 1623 had been sent out by Gorges and Mason to settle a colony in their territory. He with several associates had obtained a patent for "6000 acres of land and an island in and upon the coast of New England."[1] Under this title he settled a plantation at a place called Odiorn's Point on the south shore of the river Piscataqua at its mouth. The plantation came to nothing, and in 1626 Thompson removed to Boston where soon after occurred the founding of the Massachusetts Bay Colony. Edward Hilton followed in about 1628 or 1629, and under Thompson's title he established a colony on the land now

1. S. F. Haven, Hist. of Grants of N. E. Council.
   Belknap, Hist. of New Hampshire, pp. 1-10.

known as Dover. He obtained a patent in March 1629-30, to secure his hold upon the land he had developed against the possible interruption from a group of rivals who had taken a lease on the Thompson property at the mouth of the Piscataqua. The patent gave to Edward Hilton, "all of that part of the river Pascataquack, called or known by the name of Wecanacohunt or Hilton's Point with the South side of the said river, up to the falls of Squamscot and three miles into the maineland by all the breadth aforesaid."[1] Edward Hilton secured financial support in the development of his patent from a group of merchant adventurers who divided the whole interest into twenty-five shares of stock, two-thirds of which were held by merchants of Bristol, England, and the remaining one third by others of Shrewsbury.

The Hilton patent was by the Hilton Patentees construed to mean not only the land known as Hilton's Point, but also the land lying on the south side of the Piscataqua River along Great Bay to Squamscot Falls, thus coming in conflict with the rival company before mentioned, called the Laconia. This company had its origin in the patent of November 17, 1629, to Sir Ferdinando Gorges and John Mason and included all of the territory from the Merrimac to the Kennebec. The Hilton patent, clearly, was supplanted upon

1. J. Jenness, New Hampshire, p. 27-8.

J. Belknap, New Hampshire, pp. 5-10. The original does not mention Squamscot -- see Jenness Notes, 179-180.

the earlier grant. To settle the dispute between the two companies, the Council on November 3, 1631 issued to the Laconia Company a second patent defining more thoroughly the bounds of that Company. This new patent, called the "Pascataway," stated the location of the Laconia Company to be on that part of the patent of Laconia (November 17, 1629), on which the buildings and salt works were erected, situated on both sides of the harbor and river of Piscataqua to the extent of five miles westward by the seacoast, then to cross over towards the other plantation in the hands of Edward Hilton.[1] With this definition of the limits of the Laconia Company within the earlier Gorges patent, there could be no further uncertainty as to the southernmost bounds of the Hilton Patent.

With this as a beginning, the aim is to show how the Massachusetts obtained entrance into the New Hampshire Province and at length in the year 1643 extended her jurisdiction over the entire region south of the Piscataqua, usurping the established governments under the grand patent of John Mason.

In 1632 the Massachusetts Bay Colony gained a hold on the New Hampshire Province with the transfer into Puritan hands of the larger share of the Hilton Patent. These were the Lords Saye and Brooke, Sir Richard Saltonstall,

1. Belknap, New Hampshire, p. 9.

Sir Arthur Hazlerigg, Mr. William Whiting and George Wyllys, who had been "writ unto by the Governor and Magistrates of the Massachusetts who encouraged them to purchase the said lands of the Bristol men, in respect they feared some ill neighborhood from them." Thomas Wiggin, agent for the Shrewsbury patentees, was in England at the time the sale took place, having returned there after a year spent in the colonies. There is a likelihood from the evidence of Captain Wiggins' solicitude for the Massachusetts Colony, that he discouraged the Bristol merchants from further participation in colonial enterprise and urged the Puritans to purchase.

Whether this was the case or not, the fact is that Wiggin favored the Massachusetts to an unusual degree beginning with the time of his visit to New England in 1630-31; that upon his return to England he spoke strongly in defense of that government as against Sir Ferdinando Gorges, within whose territory the Hilton Patent was located; and that in the years of his governorship in the Piscataqua he offered the Massachusetts every opportunity for using her growing power and influence in that province.

That this apparent concern for the Massachusetts had its beginnings during the time of Wiggins' sojourn in the colonies, is revealed by the correspondence of the patentees

of the Bay Company who were at first apprehensive of his purpose in New England. On December 9, 1630, John Humphrey wrote in reply to Isaac Johnson, a patentee and resident in the colony, "For Mr. Wiggin and your thoughts concerning him, and those who set him on worke, I thinke you will heare little more."[1] It had been ascertained, so it seems, that Mr. Wiggin would not give the Bay Colony cause for further fear. The Shrewsbury men, let it be remembered, were Puritans in religion. What the Massachusetts had believed was that Thomas Wiggin had some connection with Ferdinando Gorges whom the Massachusetts feared, and especially since Wiggin was planning to settle a colony on the Piscataqua within the Gorges patent. They made Wiggin out to be an agent of Sir Ferdinando Gorges whose purpose it now appeared to be, to strengthen his title by a settlement on the Piscataqua which would offer substantial resistence to the Bay Colony. The Massachusetts were wary of the power Sir Ferdinando could wield, for already the warning had been sounded in the matter of simultaneous encroachment — "Though Sir Ferdinando neyther will nor can doe us much good, yet hee or anie may have care to doe us hurt."[2]

Mr. Wiggin, however, visited Governor Winthrop "at

1. Winthrop Letters, Mass. Hist. Society Coll. 4th series, Vol. 6, p. 4.

2. Ibid. Vol. 6, p. 8, Dec. 9, 1630.

divers times" and dispelled the fears they had of him, and upon his return to England he was, as the letters from the Patentees to persons in the colony would show, "well beholden of."[1]

In 1632 upon his return to England, Thomas Wiggin wrote to Sir John Coke, secretary to the King and to Mr. Do ning, in defense of the Bay Colony which was at the time under investigation by the Privy Council because of complaints preferred against her by the newly returned malcontents from New England, Sir Christopher Gardiner, Thomas Morton, and Philip Ratclif.[2] The attack was made by Gorges with the support of John Mason who represented the Massachusetts Bay Colony as exercising too much sovereignty in New England. Gorges proposed that the charter of the Bay Colony be recalled. Thomas Wiggin ably advanced the case of the economic value of the colonies to the King; he emphasized the importance of the Bay Colony in New England and in a notable way described the high character of Governor Winthrop.[3] Of Sir Ferdinando Gorges, he wrote, "Scandalous persons seeking to cover the shame of their own facts by castinge reproaches upon the plantation (Mass. Bay) doe addresse themselves to Sir fferdinando Gorges, whoe by theire false informations, is nowe piectinge howe to

1. Winthrop's Journal, Feb. 22, 1632/3 Mass. Hist. Society Colls. Series 4, Vol. 6, p. 15.

2. Winthrop's ~~Letters~~ Journal; Vol. 1, p. 64

3. Jenness Documents, p. 15, Nov. 19, 1632.

deprive that plantation of the privileges grannted by his Matie and subvert theire government, the effects where of wil be the utter ruine of this hopeful plantation, by hindringe all such as would go there, and drawinge those alreddy planted there, either to retourne, or disperse unto other places."[1]

In the writing of this letter Wiggin displayed an unusual regard for the interests of the Bay Colony. The motive of such an interest one may expect to find in the circumstances of Wiggins' visit to New England. Wiggin was primarily interested in the colony he hoped to plant on the Piscataqua and in the possibilities of its economic advancement. The natural wealth of the "contrie" promised well, for it was "well stored with goodly Timber and Masts for shippinge, and will afford Cordage, Pitch, and Tarr and as good hempe and fflax as growes in any parte of the world."[2] He saw in the opposition being created by Mason and Gorges against the Bay Colony a falling off of immigration to New England; such disturbances were not conducive to advancing colonization. Thus, to him it was plain that the promotion of the Dover Colony was joined with the fate of the Massachusetts. In 1632 Gorges brought the charter of the Massachusetts to question. Wiggin was in sympathy with the

1. Mass. Hist. Society Colls. Series 4, Vol. 6, p. 4.
2. Jenness Documents, p. 15, Nov. 19, 1632.

Massachusetts in this conflict by reason of the struggle he himself had waged against the Gorges interests on the Piscataqua.

At the time when he was visiting the colonies he had encountered the opposition of the Gorges interest through Walter Neale, the agent of Sir Ferdinando, who had opposed him in the freedom of movement on the Piscataqua;[1] he regarded the Gorges settlement as an obstacle in the way of his free exploitation of the lands across the Bay on the south bank of the Piscataqua, where the inhabitants of Dover had formerly taken pasturage and rich farmlands. Wiggin saw that in order to realize his ambitions for enlarging his bounds to the south, it was necessary to join forces with the Massachusetts who were as ambitiously striving to enlarge their territory to the north.

Hence, when Thomas Wiggin gathered his company together during the spring and summer of 1632 and 1633, the distinguishing feature on the part of the Massachusetts was the warmth of reception of the prospective colonists. On June 22, 1633, Edward Howes, a Patentee of the Massachusetts Company wrote to Governor Winthrop from London, "He (Wiggin) intends to plant himself and many gracious men there this summer. I have and you all have cause to bless God that you (will) have soe good a neighbor as Captain Wiggin."[2]

1. The Bloody Point episode, 1631/32

2. Mass. Hist. Society Colls. Series 4, Vol. 6, p. 15

On October 10, 1633, the ship "James " arrived at Salem, bringing to New England Captain Wiggin and about thirty men for the Hilton Patent. They were accompanied by a "godly minister," a Puritan Mr. Leveredge, and represented the first Puritans to be settled in the New Hampshire Province.

Three months after the founding of the Puritan colony at Piscataqua, Wiggin appealed to Governor Winthrop for the trial of one of his colonists who had stabbed another. The Governor answered, "that if Pascataquack lay within their limits (as it was supposed) they would try him."[1]

The next year, the Massachusetts was again called upon to pass judgment upon crime in the Piscataqua. The occasion was the murder of a resident of Dover, Hockin by name, by certain Plymouth traders on the Kennebec. Hockin, plainly, had no business on the Kennebec where the Plymouth Colony had exclusive rights for fishing and trading and upon his clear aggression was shot down by the Plymouth men. The Massachusetts, thereupon, seized John Alden who soon after happened to be in Boston, and held him in bond until Plymouth should make amends. The Lords Saye and Brooke wrote to the Governor and Mr. Bellingham, a magistrate, to request that the Massachusetts aid Wiggin in the punishment

1. John Winthrop, Hist. of N. E., I, #116, Nov. 1633

of the offenders.[1] The assumption follows that the Massachusetts, as Governor Winthrop had said, considered the Piscataqua, upon whatever grounds, to be within her limits and that the Lords Saye and Brooke must be in agreement with him. In contrast to this, was the occasion of Wiggin's first appeal to the Massachusetts authority when in 1631 he had asked Governor Winthrop to send twenty men into the province to punish a company of Indians who had murdered Walter Bagnall, a trader on Richmond's Isle. The Governor and Council were persuaded to wait awhile, partly because they had learned that Captain Neale had gone after them and partly because of the severity of the season and the lack of boats for the expedition.[2] By 1633 the Massachusetts had securely established herself upon the Bay, which enabled her to challenge the Mason-Gorges hold on the Piscataqua. She had, moreover, the support of the Puritan Lords, Saye and Brooke, owners of the Hilton Patent. The Governor's statement that, "if Pascataquack lay within their limits (as it was supposed)" was significant, and its interpretation is the basis for the thesis that the Massachusetts owned the Hilton Patent through the agency, as in trust of Lords Saye and Brooke, or had an unusual hold upon the province by reason of their ownership of it.

1. Winthrop's Journal, Vol. I, pp. 123,131,137, May 3, 1634.
2. John Winthrop, Hist. of N. E., Vol. I, Nov. 1633.

Several explanations of this are open to the reader. There is the possibility that the Massachusetts hoped in time to override not only the Gorges-Mason patent but the Hilton Patent as well. With this in view she insisted upon every occasion that her boundary extended to the Piscataqua and beyond. This plan was independent of any previous agreement with Wiggin or any other. This proposition falls, however, from the standpoint that the Patentees of the Hilton Patent were in part also proprietors in the Massachusetts Company. To suppose that the Massachusetts would dare to foist her title, flimsy as it was, before the men who had had a part in its creation,[1] would in charity, give the Massachusetts credit for more audacity than she had already earned. There is a second proposition -- that Wiggin, according to his own selfish desires during his visit in New England, had conspired with the Massachusetts government to obtain the Hilton Patent for that power. Thus, he put through the deal between the Bristol merchants and the Puritan gentlemen, purchasing with the previous understanding that as agent for the Puritan gentlemen, he would gradually transfer the interests to the Massachusetts. Jenness in his "Notes on the Piscataqua" holds this to be the explanation of Wiggin's activities. One other solution is possible; that the Lords

1. Sir Richard Saltonstall, part owner of the Hilton Patent, was also Patentee of the Massachusetts Company. The Lords Saye and Brooke through their acquaintance with the Earl of Warwick were intimately connected with the interests of the Massachusetts.

Saye and Brooke, Saltonstall and the others had purchased the Hilton Patent with the understanding arrived at in advance with the Massachusetts that the patent should be held in trust for the Massachusetts until some time when the transfer could more easily be effected. Whatever the condition of ownership may have been, the result was the same in that the Massachusetts considered the Piscataqua lay within her bounds.

On March 3, 1635, the General Court of the Massachusetts Government ordered "that the major parte of the magistrates shall have power from time to time to dispose of the sitting doune of men in any newe plantation and that none shall goe without leave from them."[1] This is the beginning of the active campaign the Massachusetts now entered upon for the purpose of expansion and the realization of commonwealth. Whether or not the Massachusetts deliberately planted colonists in the older settlements of the Mason-Gorges provinces for the purpose of their subversion and it is as likely as the fact of her settlement of families at Wessaguset, for instance, but has not been proven, the fact is that the Massachusetts henceforth knew the destination of each and everyone who departed from her colony and the records show that she superintended with considerable forethought and care the newer places of their

1. Records Mass. Bay, Vol. I, p. 167, March 3, 1635. Salisbury, Concord, Merrimac, Haverhill, Hampton, etc. were founded under this law.

"sitting doune." It was the practice of the Massachusetts to set up a new plantation like Hampton from which colonists would migrate only too soon into the older and richer neighboring plantations to the north. Hampton was the farthest outpost of the line of frontier plantations the Massachusetts founded in the New Hampshire. These plantations along the Merrimac constituted a very permanent wedge into Mason's proprietorship.

On March 3, 1635-36, the Massachusetts General Court ordered that, "Mr. Dummer of Newbury with John Spencer be empowered to build a house at Winicunnit (Hampton) in a place convenient for a new plantation, the expense of which should be repaid out of the public treasury or by those who should come to live there."[1] The house was located north of the three mile limit beyond the Merrimac and distinctly within the Mason bounds. This occurred shortly after the death of Mason. "He (Mason) was to have sent the General Governor, and for this end was providing shipping; but the Lord, in mercy, taking him away, all the business fell on

1. The statement that the Massachusetts "planted" settlers in the older colonies to agitate for a turn of government in her favor seems to be entirely original with Colonel Charles E. Banks who sets forth the idea in his "History of York, Maine," but for which, however, he gives no single item of proof. He indicates in a footnote that Vol. II of his history will substantiate his statement, which, however, he did not live to carry through. Agitators there were, but not in numbers to warrant the statement, nor can they be said by any manner of proof to have been "planted."

sleep, so as ships came and brought what, and when they would, without any question or control."[1] The death of Mason provided the Massachusetts with considerable impetus for the advancement of colonization to the north.

Before colonization had taken place at Winnecunnett, a settlement had begun at Exeter below the Squamscot Falls and adjacent to it. In April, 1638, the Reverend John Wheelwright had purchased lands from the Indians, a tract 30 miles long, from the northern boundary of Massachusetts Bay, to the Piscataqua patent on the East, and on the north to Oyster Bay. He had been disfranchised and banished from the Massachusetts Bay Colony because of the heresies he had expressed.[2] He was a brother to Anne Hutchinson. The General Court found him guilty of sedition and of contempt of the civil peace; it held that he had purposely by his sermon on the fast day endeavored to enkindle strife in the church. The populace were divided on the justice of the decision; the Governor and others entered a protest which, because it proved condemnatory to the Court, was rejected.[3] The Court met again in November (1637) and declared that a division in the body of the church could not exist with-

1. Mass. Bay Records, Vol. I, p. 167, March 3, 1635-36.

2. Winthrop's Journal, Vol. I, p. 181, May 31, 1635-36. John Mason died early in December, 1635; his heir was an infant grandson.

3. Records Mass. Bay, Vol. I, p. 207, Nov. 2, 1637.

out menace to the whole and agreed to banish the principals in the disagreement. In the meanwhile the followers of Mr. Wheelwright subscribed to a petition in which they declared his innocence and presented this to the Court in the March session. They asked that freemen be present, henceforth, in cases of judicature and that the court give preeminence over the church in matters of conscience.[1] The General Court became hysterical, and they ordered that all those who had subscribed to the petition, and there were about sixty of them, should be disarmed. All arms were to be left before the 30th of November next at the house of Mr. Kane upon penalty of £10.[2] The Court then called upon Captain Underhill and five or six of the principals and signers of the petition to retract, but because they offered instead reason for their act, they were disfranchised.[3] Captain Underhill like Mr. Wheelwright was ordered to leave the Colony within 14 days and not to return except to take passage for England.[4]

In the fall of the same year, in September, 1638,

1. Winthrop Journal I, 256, March 9, 1636-7.

2. N. H. Provincial Papers, Vol. I, p. 130, Nov. 1, 1637.

3. Records. Mass. Bay, Vol. I, p. 211, Nov. 20, 1637.

4. Mass. Bay Records, Vol. I, p. 208, Nov. 15, 1637, and p. 237, Sept. 6, 1638.

Among those dismissed to the Exeter Church by the Church in Boston two months later, Jan. 6, 1638:

John Wheelwright	Christopher Marshall	Susannah Hutchinson
Richard Bulgar	George Bates	Mary Wheelwright
Philemon Pormort	Thomas Wardell	Henry Elkins & wife
Isaac Gross	Ann Wardell	
Richard Morris		

(Bell's Exeter, pp. 12,13.)

Hampton was founded by Mr. Stephen Bacheler and his congregation of Newbury in New England, with the consent and direction of the General Court. Mr. Bradstreete, Mr. John Winthrop Jr. and Mr. Rawson were appointed to assist in determining the location of the town and the division of the lands, so that nothing might be done without satisfaction to the Bay.[1] By the following spring, Winnacunnet was well established and was allowed to become a town with the power to choose a constable and other officers; to make laws for the ordering of town affairs; and to send a deputy to the General Court. Upon the request of its Pastor, this town was named Hampton.

This colony was planted within the bounds of Exeter for the purpose of dispossessing the Exeter proprietors who were located within what the Massachusetts considered their limits, as indicated by the Bound-house set up in 1636, and to strengthen her foothold on the Mason lands.

Upon the settling of Hampton, servants of Captain Mason or his heirs came to that place and forbade the Massachusetts people from settling there without license from the Proprietor. But these people, "backed by the authority of the Massachusetts which held these lands to be within her jurisdiction," paid no attention to the prohi-

1. Mass. Bay Records, Vol. I, p. 236, Sept. 6, 1638.
N. H. Provincial Papers, Vol. I, p. 151.

bitions of Mason's servants.[1] A protest was made to the settlement of Hampton by Joseph Mason's agent for Mrs. Anne Mason, but since no legal measures of interruption were taken, the Massachusetts continued with her colonization. Mr. Wheelwright, also saw in this act of settlement an encroachment upon the lands which he held by deed from the Indians. He forthwith wrote to the settlers at Hampton and to the General Court that he held title to those lands by deeds of April 3, 1638 and would allot the land into farms except the Massachusetts could show better title. The General Court replied, pointing out the priority of their claim and, having built a bound house there two years earlier, "they looked at this dealing as against good neighborhood, religion and common honesty; that knowing (the Mass.) claimed Winnicunnet as within their patent, or as vacuum domicilium, and had taken possession thereof by building an house there above two years since, they should now go and purchase an unknown title and then come to inquire of our rights. The Indians, having only a natural right to so much land as they could improve -- the rest was open to those who could improve it."[2]

Strawberry Bank, or Portsmouth as it was renamed in 1653 by order of the General Court, was founded by Captain

1. N. H. Provincial Papers, Vol. I, pp.46-7. Nathaniel Boulter's deposition.

2. Ibid, p. 47.

John Mason and Sir Ferdinando Gorges who in 1623 sent out David Thompson to begin a plantation in New England. After Thompson's abandonment of the plantation, a second attempt was made at colonization, this time by a company of merchants whom Gorges and Mason joined with them and who formed the Laconia Company. They sent a large company of immigrants to the settlement, Brewster said, some eighty of them, among them eight Danes who were engaged to build mills and to extend the potash works. A sawmill was built at Newichwannock and a grist mill; a large plantation manor was built at Strawberry Bank and a thousand acres of land, it was said, were improved for agriculture and industry. John Mason furnished the colony with the best cattle he could procure on the continent. Captain Neale was in charge of this enterprise for a number of years, but since the venture was unsuccessful in its primary purpose, the discovery and exploitation of rich deposits supposed to be hidden in the western hills, the hitherto interested patentees lost their first enthusiasm and gradually left the whole enterprise to Gorges and Mason. Captain Neale now returned to England and Francis Williams took in hand the superintendency of the plantation. He was described by Hubbard as being a "prudent man;" by Hutchinson as "sensible and discreet." The government under Williams was for the most part conducted in an orderly way, for there was apparent none of the turmoil and unrest exhibited in the Dover settlement. Williams was continued in that office until the settlement was taken

over by the Massachusetts. The inhabitants of Strawberry Bank established their government on a compact basis very soon after Neal's departure in 1633, and in 1640 under the authority of this government they erected a parsonage with a chapel and set aside fifty acres of land to be annexed to it. Of interest to us is the fact that of the signatures to this grant, ten of the twenty signing were others than those who had come in the Mason expedition of 1631. This would indicate a submerging of the original interest which upon further examination shows a Puritan strain. Of the newcomers, signees to the Glebe were:

William Jones	resid. Bloody Point
Anthony Bracket	Piscataqua, granted 30 acres in Portsmouth, 1652
Michael Chatterton	a witness at Piscataqua, 1647
John Wall	signed Exeter Comb. 1639, Piscataqua in 1640, proprietor Dover 1642, removed to Hampton 1647, bought mill at Cocheco Falls.
Michael Cole	No record
John Pickering	trustee of "old combination" of Portsmouth
John Walton	had land assigned him in 1652
William Palmer	resid. Kittery (about 1642), owned property at Strawberry Bank about 1651

The conclusion in the widest sense must be that Portsmouth was by no means a closed colony. Besides the immigrants sent out in 1634 and 1635 by Mason, residents from other plantations were drifting into the settlement

as well, and since the immigration was particularly prolific of Puritans, because in these years the General Court had opened the north for colonization, it is reasonable to suppose that the rich lands of the lower Piscataqua absorbed some of them.[1]

Certain it is, that Strawberry Bank took on a distinct new political coloring after 1635. The wife of John Mason, Anne Mason, intrusted the plantations to the care of the hitherto faithful servants who on the pretext of indebtedness for back wages, proceeded to despoil the property of its worth. One of these was Francis Norton, a former steward of Captain Mason, who was said "for many years to have detained the rents and profits of the Province (and to have) disposed of the stock and cattle to his owne use and others of his confederates." Many years later it was deposed that in 1637 or 1638 he had driven a herd of some hundred head of cattle to Boston where he had sold them at about £25 a head, pocketing the returns. Captain Norton left the Province altogether and took up residence at Charlestown where, in order to avoid payment of his just debt, "he with his confederates," for their better shelter and protection did enter themselves church members of the Congregation in Boston."[2]

1. Pope's Pioneers, Maine and New Hampshire.

2. J. S. Jenness, Documents, p. 56, March, 1674-75.

Others to rob the Captain of his property were the brothers Waldern, the Majors Richard and William of Dover. They were prominent in the affairs of the Piscataqua and next to Thomas Wiggin were strong advocates of union with the Massachusetts. William Waldern was said to have been a partner with the Shrewsbury men.[1] The Walderns despoiled the Fort at Great Island of its guns which were placed upon the ship of Sampson Lane, a roving sea captain, who either purchased them or took them up to add to the fortifications at Dover. Thomas Warnerton, a former servant of Mason for some time lived in the Manor house which he dismantled of arms and other goods and sold to the French at Port Royal. Sampson Lane lived in the "great house" or manor for a few years following Warnerton's residence there, after which the whole property fell into the hands of the two Cutts, John and Richard, men of great distinction in the province. They assumed full title to a thousand acres of land which they divided among their relations, Richard Vaughan being one of them. These and others who benefited from the spoliation of the Mason lands were not loathe to come within the jurisdiction of the Massachusetts in order to escape apprehension.[2] Hence, "they did unite and encourage the Massachusetts to seize upon the province of New Hampshire while the Heyre was

1. Mass. Bay Records, Vol. IV, pt. II, p. 303
2. N. H. Provincial Papers, Vol. I, pp. 45, 47.

under age being there unto countenanced and encouraged by Mr. ffrost, then Secretary to the usurpers then in England, with others of ye party which councills well suiting with their ambitious designs of making themselves a ffree State did in the yeare 1652 in a hostile manner invade the Country of Hampshire."[1]

Captain Wiggin's designs to deliver the Hilton Patent over to the Massachusetts were not locked upon favourably by the Anglicans within the Dover settlement. Edward Hilton was Anglican in his sympathies and with him were others who for political or economic reasons held aloof from the Massachusetts. For one thing, all who were settled on the south banks of the Piscataqua, and Edward Hilton was one of them, feared the loss of their property should the Massachusetts take Dover within their jurisdiction and proceed to set up land courts. These people were squatters upon the land; they paid recognition to neither the Laconia nor to the Hilton proprietors. Thus in 1637, Anglicans and others indisposed to the Massachusetts Government joined together and deposed Thomas Wiggin from the governorship of the Dover grant. The Reverend George Burdet, a newcomer to the plantation, was elected in his place. Wiggin, however, retained the exclusive power which

1. J. S. Jenness, Documents, p. 57, March 1674-75. As a matter of fact, earlier than 1652; 1641 to be exact.

he had held of granting lands to the settlers; the Massachusetts and the proprietors in this way kept a steady hold on the colony while it was weathering the storm of internal turmoil.[1] As though Providence favored the Massachusetts in the fulfillment of her plans, another came into the Province who carried on the work which by Burdet had been interrupted. This was John Underhill.

The next year John Underhill came to Dover and was elected Governor in the place of Burdet.[2] John Underhill, let it be remembered, had been banished from the Bay Colony because of his "abuseing the court by his gross and palpable dissimulation and equivocation, or mental reservation in his petition.[3] The Governor upon order of the General Court wrote to Mr. Burdet, Mr. Wiggin and other influential persons in Dover to the effect "that, whereas there had been good correspondency between us formerly, we

1. N. H. Provincial Papers, Vol. I, p. 119.
J. Jenness, Notes on Piscataqua, pp. 43,44.

2. Captain Wiggin was chief in authority in 1631. In 1633 there seems to have been an election of officers and Captain Wiggin was chosen Governor.

1634 to 1637,	Wiggins was elected Governor.
1637-38	Rev. George Burdet
1638 to 1640	Captain John Underhill
1640 from April	Thomas Roberts.

Rev. Wm. Leveredge, the first Minister, 1633, left in 1635 for want of adequate support.

3. Records Mass. Bay, Vol. I, p. 237, Sept. 6, 1638.
For letter responsible for his undoing see Mass. Hist. Colls. Vol. 7, 4th series, p. 177.

could not but be sensible of their entertaining and countenancing, etc., some that we had cast out, etc. (Wheelwright and Underhill) and that our purpose was to survey our utmost limits, and make use of them."[1] The Governor did not reckon upon the reply he was to get from Burdet, for "he returned a scornful answer, and would not give the Governor his title." Naturally enough the Governor was chagrined for "he (Burdet) was one of our body, and sworn to our government, and a member of the church of Salem, so as the Governor was purposed to summon him to appear at our court to answer his contempt."[2] Upon further advice the Governor decided not to summon Burdet before the Court for fear that with his almost certain condemnation he would later appeal to the Archbishop, but to write to his friends in Piscataqua (Dover) instead and publish his offence, submitting him rather, to their opinion and punishment. The Governor then dispatched a letter of warning, together with a copy of Burdet's letter, to Edward Hilton,[3] urging that the people at Piscataqua give evidence of respect for the Massachusetts. He advised that the Massachusetts would take it ill should they advance Captain Underhill in their favor. The Governor's letter to Mr. Hilton was inter-

1. John Winthrop, Hist. New England, Vol. I, p. 332, Nov. 9, 1638.

2. Ibid.
Steps had already been taken to survey their bounds on the day Underhill was banished from Massachusetts, Sept. 6, 1638.

3. Cited in J. Wintrhop, Vol. I, p. 350, Dec. 13, 1638

cepted by the two offenders (said Governor Winthrop) who thereupon wrote over to England exposing the tyrannical purposes of the Massachusetts.[1] The Governor rejoiced that what he had written he had intended for their legitimate perusal, for he had taken precautions against this very event. Captain Underhill wrote a letter to Mr. Cotton, who was then staying at the Governor's house, which was according to discription, "full of high and threatening words." But at the same time the Captain wrote again to the Governor, "in very fair terms, entreating an obliteration of all that was past, and a hearing with human infirmities, etc. disavowing all purpose of revenge."[2] The Governor and Council, and later the General Court sent Underhill license of safe conduct to Boston to clear himself of charges they now found against him. Fearing the severity of Puritan judgment, he fell back upon the Doverites for support.[3] Underhill then gathered a church of "some few loose men" to him and elected to its ministry Hanserd Knollys, "a weak minister and (one) rejected by the Massachusetts Colony for holding some of Mrs. Hutchinson's opinions."[4]

1. J. Jenness, Documents, p. 31, 32. Nov. 29, 1638. The Burdet letter to Archbishop Laud was written during the civil disturbance.

2. J. Winthrop, Hist. N. E., Vol. I, p. 338. Dec. 6, 1638.

3. Ibid., Vol. I, p. 350, 1638.

4. Ibid.

Knollys had come to Dover while Burdet was Governor but had been by him forbidden to preach.[1] He wrote to the Church of Boston in commendation of the Captain, hoping to mitigate the judgment against him, styling him, "the right worshipful, honored Governor, etc."

The General Court, nevertheless, wrote to all the chief inhabitants of Dover, enclosing copies of the Captain's letters in which he termed himself bent upon the destruction of the Bay Colony, "an instrument for their ruin." The Governor sought to know whether they at Piscataqua would uphold such practices. They replied, declaring their innocence of any part in Underhill's ill doing, and expressed a willingness to punish him as soon as plaintiffs brought evidence against him. At Portsmouth the officials also declared themselves willing to join in any fair means of bringing Underhill to account, but they urged that mercy be shown him. The Captain thereupon fell into a milder mood, writing letters of retraction to persons of influence in the Bay. He also wrote letters to the Deputy Governor and to the General Court, enclosing letters that the Governor of Massachusetts had sent to the Governor of Piscataqua, hoping that they might contain matter incriminating to the former. The Governor had written nothing which could be

1. J. Winthrop, Hist. N. E., Vol. 1, p. 392, March 20, 1639.

used as evidence for his embarrassment.[1]

Knollys in the meanwhile had written to England complaining about the officials, churches and people in general at Boston. The Governor having obtained a copy of the letter brought it to Knollys' attention, and he "being brought to a better judgment by further consideration and more experience, he saw the wrong he had done us, and was deeply humbled for it, and wrote the Governor to that effect, and desired a safe conduct, that he might come into the Bay to give satisfaction." He went to Boston and made retribution before the Council of Elders and wrote a letter of retraction to his friends in England which he left in the Governor's hands to be sent to them.[2]

Captain Underhill also sought to buy his peace with the Bay Colony by helping to bring the Piscataqua under her sway. Underhill wrote to Governor Winthrop, "I latli was with Mr. Williams which here we would goyne with youer State, but serious protestachons are made to pregise us in case we gife you intrest in this riffer". . . "By this barer (?) I am requested to hafe a full answer from under youer hanse, that cuch persons as we shall send to tret

1. J. Winthrop, Hist. of N. E., Vol. I, p. 350-1, 1638.

2. For Hanserd Knollys letter Dec. 11, 21, 1639-40, Mass. Hist. Society Colls. Vol. I, 5th series, p. 283. Effusive in his sorrow, perhaps not sincere.

with youer state maye hafe free egres and regres without mollestachion. Youer letter sent to Mr. Knoke we hafe sene, and both of us labred to advanc the work, which we hope will redound to the glori of God and the sopresing the wicked among us, but we are prifat in our prosedings til a conclu-chion, and so desier you for we are threttend. You may plese to soggest youer will to this barer, you will find him tracktabel. We shall not rest until this work be finnest, and youer selfes power here."[1]

It is not to be supposed that Underhill and Wheelwright were by any means the primary cause for the Massachusetts to resolve, "to survey her utmost limits and to make use of them." With the "planting" of the boundhouse at Winnacunnet (Hampton) in March 1635-36 she had declared her intentions in regard to the New Hampshire. On the day that John Underhill was banished from Massachusetts the order was given by the Court for the exploration of the Merrimac, "Goodman Woodward, Mr. John Stretton with an Indian, and two others (being) appointed by the magistrates of Ipswich, to lay out the line 3 mile northward of the most northermost part of the Merrimack."[2] The flight of John Underhill and John Wheelwright for refuge to the Northern Province, served as a timely pretext to cover the real motive of the

1. Mass. Hist. Colls. series 7, vol. 4, p. 179, Oct. 12, 1639.
2. Records Mass. Bay, Vol. I, p. 237, Sept. 6, 1638.

prior act of interest in the New Hampshire. The Massachusetts with time and circumstance to aid, was well on the way to the completion of her designs.

The line of her boundary was shortly ascertained to be above 43½° North Latitude, and in the spring the Court ordered that letters be written to Captain Wiggin, Captain Champernoune, Mr. Williams, Mr. Wannerton, Mr. Edward Hilton, Mr. Treworthy, and their neighbors and Mr. Bartholomew "to carry the same and have instructions."[1] Mr. Bartholomew was instructed to inform these gentlemen, the most influential in their respective towns, of the Massachusetts' boundary findings.[2]

To the inhabitants of the Piscataqua the Massachusetts' declaration of her boundary line came as an ultimatum of possession. The people of Exeter returned an answer to the General Court insisting upon their right by purchase from the Indians. The Massachusetts wrote in reply that her claim to the Merrimac led her above Penkook (Concord)farther north than 43½ degrees. The Massachusetts urged the priority of her title over that of Wheelwright, adding cryptically, "yet,

1. Records Mass. Bay, Vol. I, p. 254, March 13, 1638-39.

2. The Court had in an earlier order contracted to pay 5 shillings per day; on June 6, 1639, Mr. Bartholomew was awarded 40 shillings for his journey to the north. Nath. Woodward received 3 s and 10 s. were added by the Court; Thos. Howell, Sergeant Jacob, Thos. Clarke and John Manning were to receive 50 s. per day for their 10 days on the expedition. Mass. Bay Records, Vol. I, p. 261.

seeing they (Exeter) had professed not to claim anything which should fall within our patent, we would look no further than that in respect of their claim."[1] The inhabitants of the New Hampshire plantations perceiving the uselessness of struggling against the Massachusetts in her claims to the territory, sent commissioners to Boston to come to terms of agreement in regard to annexation with that power. Dover was first to send her commissioners who with the Deputy Governor, Mr. Emmanuel Downing, and Captain Edward Gibons of the Massachusetts concluded an agreement which was conditional upon ratification by the people of Dover.[2] The General Court allowed that they should have privileges of government like those enjoyed by Ipswich and Salem.[3] The inhabitants of Exeter forwarded propositions for annexation similar to those which had been advanced by Dover, but when they learned of the treaty made by the Commission for Dover, they discontinued negotiations. At Strawberry Bank Underhill was at work for the Massachusetts, as the letter of October 12th, 1639, to Governor Winthrop indicated Mr. Williams

1. Winthrop's Journal, pt. I, p. 306, May 15, 1639.

2. Mass. Bay Records, Vol. I, p. 276, Nov. 5, 1639.

3. Winthrop's Hist. N. E., Vol. I, p. 385, Sept. 4, 1639.
   " Journal, pt. I, p. 320.
   On Nov. 5, 1639, "the Court agreed to buy Mr. Hanserd Knowles' his purchase (land) for thirtye pounds, as he tendereth it." Mass. Bay Records, Vol. I, p. 278.

might be induced to agree to submission provided certain stipulations were met with; Thomas Warnerton had intruded upon the Captain's business and was found to be "resolutli bent," to prevent subjection to the Massachusetts while John Pickering, the town clerk, also offered plenty of opposition.[1] Farther to the north, the Massachusetts had during the summer acquired the Pyepscot (Brunswick) Grant from Thomas Purchase for the settlement of a Puritan Colony in the Province of Maine. Very effectively the Massachusetts was drawing the circle of her territorial ambitions about the New Hampshire Province.[2]

In 1640 a new figure entered the scene of civil turmoil at Dover, where Underhill as Governor was trying to bring about the submission to Massachusetts. This was Thomas Larkham, a preacher, who fell into a rivalry with Knollys over the church at Dover. Larkham won, so, the town, being unable to support two ministers, discharged Knollys and took Larkham for their minister. The two came to blows over the matter; Larkham then laid hands upon Knollys, "taking

1. Thomas Warnerton was at odds with the Bay Colony for some earlier cause; in 1635 he had been called before the General Court to answer for violent attacks he had made on John Holland and others and for abusive speeches against the Bay people. (Pope's Pioneers).

2. Mass. Bay Records, Vol. I, p. 272, Sept. 9, 1639. Hazard Hist. Coll. Vol. I, p. 457.

the hat from his head pretending it was not paid for; but he was so civil as to send it to him again."[1] Captain Underhill was held responsible for having procured Knollys as minister. Hence those who were his political opponents saw an opportunity to bring the Captain to account. The magistrates upheld Larkham and gathered a company to bring Captain Underhill to Court. The feud had become a civil affair in which the Captain was to be deposed from his governorship. The Captain gathered his neighbors and so marched out to meet Larkham, Knollys declaring his side was for Scots and English, meaning the roundheads and the Puritans as opposed to Cavaliers and Anglicans as it was being fought in England at the time. Mr. Knollys was armed with a pistol, which, when he saw it caused Larkham to retire. Larkham sent for Mr. Williams, Governor of the lower plantation, who came up to Dover and besieged Knollys' house where Underhill was staying. A court was called at which Mr. Williams passed judgment upon Underhill and his company, setting fines upon them and ordering them out of the plantation. "The cause of this eager prosecution of Captain Underhill was, because he had procured a good part of the inhabitants there to offer themselves again to the government of the Massachusetts who being thus prosecuted, they sent a petition

1. N. H. Provincial Papers, Vol. I, p. 122-3.

to us for aid."[1] This was the interpretation the Massachusetts set upon the parish broil, and as such it indicates the temper of feeling in the Province toward Underhill and his designs.

Upon Underhill's petition, the Governor and Council sent a commission to them, made up of Mr. Bradstreet, a magistrate, Mr. Peters of Salem, and Mr. Dalton of Hampton to effect a peaceable settlement. They found both sides to blame, but were able to release Mr. Larkham from his excommunication and Mr. Underhill and the others from their censures. Mr. Larkham left suddenly for England; Knollys went to York[2], also leaving very soon for England.

In the meanwhile, Captain Underhill had prevailed upon the General Court to repeal the sentence of banishment from him; and he was accorded full acquittal at a hearing held on September 7, 1641.[3] On May 9, 1642, Governor Winthrop recorded the departure of Underhill from New England; the Church of Boston furnished the Captain and his family with the necessaries and transported them out of the Colony.[4] The Captain, it appeared, was again about to change colors. He had plainly outlived his usefulness to the Massachusetts.

1. J. Winthrop, Hist. of N. E. Vol. II, p. 321-3.

2. N. H. Provincial Papers, Vol. I, p. 123.

3. Mass. Bay Records, Vol. I, p. 237, Oct. 7, 1640, and Vol. I, p. 17.

4. J. Winthrop, Hist. N. E. Vol. II, p. 49, Sept. 7, 1641, p. 76, May 9, 1642. Capt. Underhill took a hand in the affairs of Gabriel Fish who was then being held at Exeter on a charge of sedition against the King.

During the progress of affairs in Dover, Exeter had established for itself a compact form of government. On February 2, 1640, the freemen of the Colony concluded a document of government which was satisfactory to both Anglicans and Puritans within the colony.[1] The inhabitants of Portsmouth continued under the government of a compact which they had entered upon, as early as 1633, with Mr. Williams at its head. The people of Dover, however, finding that their combination was unsatisfactory in the face of so much adversity as the plantation had experienced in the years after 1635, promulgated in 1640 a new charter of government. No sooner was this government in operation, then the people of Dover discovered the intentions of Captain Underhill whom they had again elected to the Governorship in 1640, to be for the subversion of their government to the Massachusetts. It was then that they rose up against him and elected Thomas Roberts to the governorship. At the same time they wrote a letter of complaint to the Governor of Massachusetts in protest of Underhill's proceedings. In it, the people of Dover denied the power assumed by Underhill to state "their willingness voluntarily to submit (themselves) to the (Massachusetts) Government upon fformer articles propounded." The terms mentioned were those conditionally agreed upon at Boston. "But for the proceedings of Captain Underhill seeking

1. Bell, Exeter, p. 7 ff.

to undermyne us, and contrary to his oath and fidellyty as we suppose intrusted to him, hath went from house to house, and for his own ends, by flattery and threatening gotten some hands to a note of their willingness to submit themselves under your government, and some that have no habitation to bring his purpose to pass."[1] . . ."Some of those that subscribed to his note have this day utterly protested against there own act; for he hath raysed such a mutinie amongst us wch if we take not course for the stopeing there of it may cause the effusion of blood, by reason he hath by his designs privately rent the combination as much as in him lyeth."[2] This was the "work of the Lord" which Mr. Knollys and Underhill had "labored to advanc" and from which the Captain could, "not rest until it be finnest and (the Massachusetts) in pwer there."[3] Unfortunately we are unable to ascertain for ourselves the facts that are stated, that Underhill obtained some to sign who were not even resident in the place. The petition as it stands is a strong indictment of Underhill and of the Massachusetts as partners in the conspiracy. There were twenty-five signees to this letter of protest among which we recognize the following

1. N. H, Provincial Papers, Vol. I, p. 126-8.
2. Ibid.
3. Mass. Hist. Colls. Vol. 7, 4th series, Oct. 12, 1639.

leaders in plantation affairs -- Thomas Larkham, Thomas Roberts, the Walderns, Richard and William, and Edward Colcord. This protest would seem to indicate that the inhabitants of Dover even to the Walderns were not yet willing to give up their government for that of the Massachusetts, however well it might be represented.

The final steps for the annexation of the Pascataqua plantations were taken during the year 1640. A committee of three was sent into the Province in that year "to understand the minds of the people, to reconcile some differences between them and to prepare them." They were Mr. Humfrey, Hugh Peter and Mr. Dalton.[1] The last two were of the commission who had been sent forward to settle the Larkham-Underhill feud and had accomplished it with such eminent success that the principals in that conflict were permitted to go free to continue their agitations in the colony. Hugh Peter wrote to the Governor requesting that Mr. Knollys, the bearer of his letter with three or four more of his friends be allowed to settle within the Massachusetts jurisdiction where Knollys could be of use to that power. He asked that two or three fit men be sent to the Pascataqua where they could do much to persuade the inhabitants toward a union with the government of the Massachusetts. They would relate

1. John Winthrop, Hist. N. E. Vol. II, p. 45, June 2, 1641

how well the government was being directed in the Bay Colony. "They there are ripe for our government as will appeare by the note I have sent you. They grone for government and gospell all over that side on the country"[1]

The work which Thomas Wiggin had begun was nearing completion and the Massachusetts was about to realize her early ambition for the enlargement of the patent, "a little to the north where are the best firs and timber."[2] The struggle to accomplish this had been a long and steady grind of persuasion and intrigue, and the inhabitants of New Hampshire, it is plain, were not easily won over to the Massachusetts. The old stock Anglicans were loyal to the Gorges-Mason claims long after organized government under Mason had ceased to function. Circumstance had favored the Massachusetts throughout the period of her interest in New Hampshire -- the early death of Mason and the instability of the people for organized government among themselves. The Massachusetts had always secured able agitators to advance her interests in the province; after Wiggins' deposition, Underhill had taken over the work of subverting the government to her. In the last steps of the subjection of the Province, there remained the task of persuading the whole people at once to give their consent

1. Mass. Hist. Soc. Colls. Series 4, Vol. VI, p. 106, (1640)

2. N. Sainsbury, 1669-74, #159, Dec. 12, 1633.
Emmanuel Downing to Sir John Coke.

to submission. This was the commission Hugh Peter was appointed to accomplish.

In the process of their commission Hugh Peter was able to write to Governor Winthrop, "If Mr. Larkham say and hold, hee hath promised mee to close with us."[1] Mr. Williams was persuaded to agree to the proposition of annexation by some unrevealed means, for Hugh Peter wrote of the matter to Winthrop, "What past betwixt Mr. Williams at Pascataway and myselfe, I shall tell you later."[2] Mr. Williams seems not to have benefited in any immediate way from the division of the Mason property in the Province, or from the usurpation of the existing government, but his acquiescence to the facts leaves him faulty in his stewardship. The last of the Larkham-Underhill feud was heard when Richard Gibson, Anglican preacher at the Isle of Shaols and Portsmouth, was ordered before the General Court to renounce all of his writings against Larkham whom he had labeled "an instrument of usurpation for the Bay government." With his departure from the country the Massachusetts had successfully stopped all opposition to her undertaking. Mr. Hilton's assent was purchased by a covenant with the Massachusetts

1. Winthrop, Hist. of N.E. Vol. II, p. 79, May 18, 1642.
2. Mass. Hist. Society Colls. series 4, Vol. 6, p. 6. September, 1640.

that his estate should always be free from county rates.[1] The way was thus clear for annexation; Portsmouth agreed to the submission in order to secure itself against the uncertainties of a new regime under the heirs of Mason and the punishment for theft of its leading citizens; Dover consented through its desire for a more peaceable government which the Massachusetts had promised; Bloody Point was won over by assurances of concessions to their leading property owners, while Exeter alone appeared satisfied with its state of being.

On June 4, 1641 the Massachusetts took over the jurisdiction of the Hilton Patent. "Whereas the inhabitants have of late and formerly complained of the want of some good government amongst them, and desired some help in this pticular from the jurisdiction of the Massachusetts Bay whereby they may bee ruled and ordered according unto God, both in church and commonweale, and for the avoyding of such insufferable disorders, whereby God hath bene much

1. Mass. Bay Records, Vol. 4, pt. II, p. 430, May 19, 1669. "The Court, on perusuall of the articles of agreement between this colony and the inhabitants of Dover, &c severall of them well remembring that Mr. Edward Hilton was one of those that were comissionated to agree with this Court in behalfe of the inhabitants doe declare that Mr. Edward Hilton is, according to the article, justly exempted from the county rates, & that accordingly he be freed from such impositions, & that the Treasurer of the county discount Mr. Hiltons proportion with the constable of Exeter upon his account yt was imposed on him by the last county commissioners."

dishonered amongst them,"[1] the gentlemen Patentees, George Wyllys, Robert Saltonstall, William Whiting, Edward Halliock and Thomas Makepeace were prevailed upon by the Massachusetts in that, "they (could) find no means to govern the people there, nor to restrain them from spoiling their timber,"[2] to surrender their grant to the said power. They thereby conveyed to the government of the Massachusetts "the purchase which they had made of Mr. Edward Hilton and of some merchants of Bristol" of "two patents, the one called Wecohannet, or Hilton's Point, commonly called. . . by the name of Dover or Northam, the other patent set forth by the name of the South part of the ryver of Pascataquack, beginning at the sea side, or neare there abouts, and coming round the said land by the riffer unto the falls of Quamscot."[3]

The Hilton patent which was formerly known to contain all "that part of the River Pascataquack, called or known by the name of Wecanacohunt or Hilton,s Point with the south side of the said river, up to the fall of the river and three miles into the maineland by all the breadth aforesaid,"[4] was now constructed to mean two distinct patents, the one of Dover Point, the other to the

1, and 3. Mass. Bay Records, Vol. I,p.332, June 2, 1641

2. John Winthrop, Hist. of N.E. Vol. II, p. 45.

4. Mass. Bay Records, Vol. I, p. 324, June 4, 1641.

land south to Squamscot Falls, by way of Fox Point, Little and Great Bays and the Exeter River to a point three miles inland. There is certainly no evidence to believe that the Hilton Patentees acquired a second patent or right to any portion of the Laconia grant, whose bounds we remember were settled by the patent issue of November, 1631. The indications are that the Massachusetts, by making use of an obsolete and long invalidated claim, hoped to override the Gorges patent and thus to bring within her grasp at once all of the plantations along the Pascataqua.

The agreement was that the Massachusetts should have only jurisdiction over the Hilton Patent, that the inhabitants should enjoy all of the rights and privileges of freemen within the limits of the Massachusetts, that there should be court of justice having the same power as at Salem or Ipswich, and that the inhabitants be subject to pay only such charges of church or state as the inhabitants of other parts of the Bay Colony and none other. The Patentees retained for themselves all of the land on the south side of the river and one third of the land in the Dover Patent, together with all the improved land in that patent. The Massachusetts made it appear that all this was being done for the glory of God and more stable government in the Province of New Hampshire.

Having acquired the Hilton Patent under the conveyance of June 4, 1641, the Massachusetts received the submis-

sion of the inhabitants on her own terms of subjection. The Massachusetts now advanced her prior boundary claim and on October 7, 1641 the General Court at Boston declared, "that whereas it appeared that by the extent of the line, (according to or patent) that the ryver of Pascataquack is within the jurisdiction of the Massachusetts, & conference being had (at severall times) with the said people, & some deputed by the General Court, for the settling and establishing of order in the administration of iustice there . . . that from henceforth the said people inhabiting there are, & shal bee, accepted and reputed under the government of the Massachusetts as the rest of the inhabitants within the said iurisdiction."[1]

The explanation for this form of settlement lies in the Massachusetts' expectation of drawing the circle of her jurisdiction even more widely about New England with the acquisition of the Thomas Purchase grant in northern Maine as the highest point of desire, just as in the earlier years she had marked off the Hilton Grant as the apex of her ambitions in the New Hampshire. Thus, the Massachusetts indicated the next step in the progress of the Puritan commonwealth.

The inhabitants were to have all the rights and privileges enjoyed by the inhabitants of the Massachusetts.

1. Records Mass. Bay, Vol. I, p. 343, Oct. 7, 1641.

They were to have their own courts to be kept as those of Ipswich and Salem and to be exempt from public charges other than those which should arise for their own benefit. They were to continue to fish, plant and fell timber as they had formerly upon the river. Commissioners were sent to the Courts at Piscataqua to aid in the appointment of magistrates,and those selected were Mr. Williams and Mr. Hilton. In December, the General Court confirmed the appointment of Messrs. Williams, Wannerton and Gibbons for magistrates for the town of Portsmouth, Messrs. Edward Hilton, Thomas Wiggin and William Waldron for the Court at Dover.[1] In the spring of 1642 an important article was added to the agreement that, "all the present inhabitants of Pascataquack, who formerly were free there, shall have liberty of free men in their several towns to manage al their town affairs and shall each town send a deputy to the General Court, though they be not at present Church members."[2] This same privilege was granted to the inhabitants of Maine in 1652. This concession to the popular rights was not made in the Massachusetts Bay Colony itself, as there Church and State were practically one. The significant feature in the appointment of the magistrates is again the policy of the Massachusetts to conciliate those of power within the Colony who in any way were antagonistic to her regime,by placing them in positions of trust where by service they could learn to become faithful to her.

1. Mass. Bay Records, Vol. 1, -. 345, Dec. 10, 1641.
2. Ibid, p. 29, Sept. 27, 1642

By the spring of 1643 all of New Hampshire with the exception of Exeter had come under the jurisdiction of the Massachusetts. Exeter then petitioned the General Court seeking admission to its jurisdiction. The inhabitants of Exeter apparently made demands upon the Massachusetts for the latter informed them that, "as Exeter fell within the Massachusetts' patent they took it ill that the petitioners should capitulate with them."[1] A second petition dated May 12, 1643, was prepared and although a copy of it does not exist, it was endorsed by both houses. Of the 22 subscribers to the petition only two set their hands to the combination. None of these had any part in the dismissal proceedings of 1637. Of the two petitions, the first containing 17 signatures, the second 22, only 5 were found common to both. On September 7, 1643, the General Court received Exeter within its jurisdiction.[2] By this time the town of Exeter was feeling quite sensibly the pressure exerted upon its bounds by the encroachment of Captain Wiggin on the west and the town of Hampton on the south. The men of Dover claimed the meadows on the Lamperell River not withstanding they knew these lands belonged to Exeter.by purchase. The inhabitants of Exeter appealed to the General Court lest, "they should not be able to subsist to be a toune except

1. N. H. Provincial Papers, Vol. 1, p. 168
   Bell's Exeter, p. 44-5. May, 1643.

2. Mass. Bay Records, Vol. 2, p. 43, Sept. 7, 1643.

this honored Court be pleased to relieve (them)."[1] It would not be hard to imagine that the Massachusetts had something to do with Exeter's predicament.

In the settlement of Government, the people of Exeter asked that they have appointed three men to settle "small differences" among them, namely: Anthony Stanean, Samuel Greenffield, and James Wall, and that John Legat be appointed clerk of writs. The Massachusetts, however, appointed to the magistracy William Wenbourne, Robert Smith and Thomas Wardhall and William Wenbourne for clerk of writs, all of whom had given their support to the first petition and to the combination. The reason for this as in the case with Dover was to reconcile the disaffected to the Massachusetts and so to counteract any possible dissatisfaction. The town was to have all the privileges granted to the others which had recently been taken under the Massachusetts government, with one exception, that the town was to send no deputy to the General Court. Its law cases were to be settled at Ipswich.[2] Mr. Wheelwright and those who had been banished with him removed into the Province of Maine where they settled at Wells.[3] The Massachusetts continued in her persecution of him until, "upon solemn and serious acknow-

1. Charles Bell, Hist. Exeter, p. 45 -- 2d petition.

2. Ibid. p. 46 -- terms of submission.

3. Belknap, Hist of N. H. relates history of removal and banishment.

ledgement and confession by letters of his evil carriages and of the courts justice upon him for them he hath this banishment taken off and is rec'd as a member of the commonwealth." The Massachusetts was now satisfied that whoever of her enemies remained in the Piscataqua were cowed into submission and all opposition to her quelled.

Having accomplished the annexation of New Hampshire to the commonwealth, the Massachusetts turned her efforts to bring Maine within her jurisdiction.

Section IV

THE INTRUSION OF THE MASSACHUSETTS UPON THE AFFAIRS OF MAINE, 1630-51

Following upon the annexation of New Hampshire, the Massachusetts bent her efforts to the usurpation of the Province of Maine. Hugh Peters on his expedition for the subjection of the New Hampshire had visited York .[1] The "one from Acomenticus" (York) who accompanied Peters, Dalton and the preacher John Ward from Pascataway, may have been Peter Weare who many years later established his connection with the Massachusetts at this time as a member of the surveying party of 1638 when, according to his deposition of 1665, he was "upon the north syde of the said lake (Winnepesaukee), upon a great mountaine and did see the said Lake which the Indians did affirme issues into the aforesaid River."[2] Peter Weare was known to Edward Godfrey, Governor of the Province of Maine for Gorges, to have been secretary to the usurpers in England.[3] In 1652 the Massachusetts "encouraged by Frost and Hugh Peter invaded Hampshire and Maine, pretending that their line and limits led them into the provinces."[4]

1. Winthrop, II, p. 29, 1641.
2. Maine Hist. Soc. Colls, Series 2, Vol. 4, p. 228, May 17, 1665 Documentary Hist. State of Maine.
3. N. E. Papers, Vol. 42, #139, March, 1674-75. In Jenness (Documents, p.54
4. N. Sainsbury, 1669-74, #1397, Dec. 2, 1674.

In 1661 Godfrey deposed in respect to the existence of a corporation "sitting at Cooper's Hall, commonly on Saturdays," for the purpose, publicly, of raising funds for the propagation of the gospel in New England, actually, for the purchase of lands to enlarge and strengthen the Commonwealth of the Massachusetts." Thus, he recited, in the year 1660 Hugh Peters had confessed to receipts totaling £60,000 from which land purchases were made to the extent of £1,000 per annum. The subjection of the Maine provinces in 1652 was forwarded by a collection of some £6,000.[1]

Sullivan points to the year 1643 for the adoption and application of the related land policy by the Massachusetts. In that year the Massachusetts resolved to carry her line east to Casco Bay. In doing so, she resorted to methods similar to those which had been employed in the subjection of New Hampshire. In 1633 that power had passed a law prohibiting the unlicensed purchase of lands from the Indians; in 1643 the Massachusetts came to a resolution permitting such purchases in Maine and wherever else it was feasible, although the original law continued in operation within the colony itself. Thus title to the Gorges and Rigby lands was purchased from under the rightful patentees with the express purpose of subverting the governments there to the

1. N. Sainsbury, 1669-74, #1397, Dec. 2, 1674.

Massachusetts interests.[1] The town of Wells, for example, declared itself immune from the Rigby government and at the same time it was conceded it owed nothing to the Gorges, because as Henry Boade said, "we were sett in our possessions first by Mr. Craddock's agent who bought yt pattent of Stratten; secondly, by Mr. Thomas Gorges."[2] Wells presented an opening to the Massachusetts for the usurpation of the Provinces. In 1639 the Massachusetts acquired the Thomas Purchase lands on the Androscoggin "so as they may plant the same with an English colony when they see fit and shall have as full power forever to exercise jurisdiction there,

1. James Sullivan, Hist. District of Maine, p. 142 ff.
Humphrey Chadbourne made the first purchase of the kind in 1643, from Mr. Knowles, an Indian; Thomas Spencer of Cambridge bought lands on the Quampegan and in 1649 John Richards bought the island of Jeremy squam, east of the mouth of the Kennebec, from Robinhood, an Indian sachem. Governor Bellingham by sanctioning the act validated the practice. Even the Gorges interest got busy; Major William Phillips bought the whole west side of the Saco River in order to set up a title in opposition to the Rigby claims. The practice played an important part in early provincial politics.

2. Henry Boade by Winthrop called "Cosin Boade" was at Saco in 1635; at Wells in 1641; proselyted the town of Wells for submission to Massachusetts. Mass. Hist.Soc. Coll., Vol. 1, 5th series, p. 358.
John Stratten received 2000 acres at Cape Porpoise December 2, 1631; also in possession of Bluff Isle and Stratton's Isle. York Deeds 1, 85, 86, show he went to Salem to live. Burrage, Maine, p. 216, says he was dispossessed of his Cape Purpoise grant by Thomas Gorges, deputy governor of the Province of Maine.

as they have in the Massachusetts."[1] The Massachusetts thus obtained her first right to full jurisdiction within the Gorges patent. Mr. Ryall in the same year had obtained a grant on the Sagadahock which he likewise tendered to the Massachusetts. That power however refused to receive the grant on the ground that she was "not ready for such a business." The fact was, that the Massachusetts was not then ready for an active disagreement with Gorges upon whose settlement the grant immediately touched.[2] By landed interest and economic investment, in the timber resources of the Newichawannock, and elsewhere throughout Maine, the Massachusetts steadily made her way into the province.

With the influx of Puritans into the Maine Province following upon the northward migration into the New Hampshire settlements, Puritanism also found its way into the Province. Mr. Jenner who rendered able service at Saco, was the first of the Puritan clergy to be called into Maine. Through him others were sent into the Province; Stratton's Isle and Casco applied to him for ministers which he made

1. Hazard, Vol. I, p. 457, July 22, 1639
   Mass. Bay Records, Vol. I, p. 167

2. Winthrop, Journal, Vol. I, p.365 (1639).
   Burrage, Maine, p. 306. Thomas Elbridge, heir to the Pemaquid Patent, mortgaged the islands of Monhegan and Damariscove to Richard Russel of Charlestown, Mass.; in September, 1657, he sold the whole patent to Nicholas Davison of Boston.

an effort to supply.[1] Henry Boade indicated the need of a Puritan minister for Wells. Barbarian as the frontier was in its habits, there was, nevertheless, a call for Christian teaching.

It must be clear that conditions in the Province of Maine were particularly conducive to annexation by the Massachusetts. The government of Gorges had never provided a satisfactory provincial administration. The fact is that irrespective of the apparent and evident need for much organization in the Gorges Patent, the territory received a minimum of supervision. Not until after 1635 with the division of the property of the Council for New England and the attempted reorganization of government as a whole in New England was any direct attempt made by Gorges to superintend affairs in the Province. In connection with the proposed general governorship of the entire territory of New England, Gorges in 1635 sent a nephew, William Gorges, into the Province to govern the territory between the Piscataqua and the Sagadahock which he now called New Somersetshire. Young Gorges opened a court at Saco which was attended by the leading citizens of the Province: Richard Bonython, Thomas Cammock, Henry Joscelyn, Thomas

1. Mass. Hist. Soc. Colls. #4, Vol. 7, p. 355, Dec. 4, 1640. Letters of Thomas Gorges (Mass. Hist. Colls. #4, Vol. 7, p. 340), Mrs. Vines (Mass. Hist Colls. #4, Vol. 7, p. 340) and of Jenner himself (Mass. Hist. Colls. #3, Vol. 7, p. 355-6) give an excellent idea of Jenner's religious activities at Saco.

Purchas, Edward Godfrey and Thomas Lewis. This was the first organized government to be established in Maine. Five settlements were subject to the new government: Saco, Agementicus (York), and Piscataqua from Kittery Point to Newichawannock and the Isles of Shoals; Black Point, including Stratton's Isles which had been settled six or seven years before by Thomas Cammock and Henry Joscelyn; Lygonea including Richmond's Isle, the patent of Robert Trelawney and Moses Goodyear begun some six years previously; in fact all of Casco Bay; the Pyepscot settlements of Thomas Purchas and George Way. William Gorges did not remain in the country for longer than two or three years, leaving the provinces again to the chance rule of local wills. Sir Ferdinando Gorges, on the strength of his governorship of all New England, requested the Massachusetts to take over the government of his province, including in it, his servant Richard Vines, and his nephew Francis Champernoune.[1]

On April 3, 1639 Sir Ferdinando Gorges obtained of King Charles I, a provincial charter which not only confirmed to him the rights of soil of his patent holdings, but secured to him political powers as well. By this charter the inhabitants and territory became incorporated into the"Province of Maine." Under the charter the Lord Proprietor, Sir Ferdinando Gorges reestablished a complete

1. Mass. Hist. Colls. 4th series, vol. 7, p. 329, Aug. 23, 1637.

and elaborate system of government. Thomas Gorges came over to govern Somersetshire or Georgeana, as it was hence called. "He staid a few days at Boston, careful to take advice of (the Massachusetts) magistrates how to manage his affairs."[1] Sir Thomas Gorges remained in the country but two years, returning to England to take his place in the army on the Royalist side, leaving Richard Vines in charge of Maine.

It may be said that during all of the thirty years of the Gorges proprietorship preceding the usurpation of the Province by the Massachusetts, Maine, with the exception of about six years of proprietory regulations, was left entirely to its own resources for government. With due justice to the Massachusetts, it must be admitted that the weaker provincial governments themselves to a degree opened the way to their envelopment by her, in that they were constantly drawing upon her for the settlement of local difficulties, thus adding to her influence in the Provinces.[2] The Winter-Cleeves dispute provided a wide open road into the Province, which followed by the Rigby-Province of Maine controversy between the same Cleeves and the governors of the Gorges power brought the Massachusetts into Maine.

1. John Winthrop, Hist. N. E. Vol. II, p. 11 (1640)

2. Wiggin in 1631 (Winthrop, Journal, Vol. I, p. 69) wrote to Governor Winthrop for aid against the murderers of Walter Baynall of Richmond's Isle and again in 1632 Captain Neale invited the interference of Massachusetts in the campaign against Dixy Bull and his pirate crew (Winthrop, Vol.I,p.95). The murder of Richard Cornish in 1644 and the implication of Roger Garde, Mayor of York, gave the Massachusetts the pretext for interference (Winthrop, Vol. II, p. 219).

George Cleeves was a figure of more than parallel importance in the politics of the Province and particularly so in this phase of intercolonial relations. Colonel Banks was of the opinion that George Cleeve's troubles in the Province were "fomented" by the Massachusetts; certainly, through George Cleeves were fomented the troubles in the Province. With Cleeves' division of the Province of Maine by the establishment of the Province of Lygonea within the borders, he opened the Province to usurpation by the stronger power.

George Cleeves was an early comer to the Province, taking up his habitation on Richmond's Isle. Upon complaint from John Winter, agent for the Trelawney-Goodyear from John Winter, agent for the Trelawney-Goodyear interests he was forced to remove from thence to the mainland where he took up his abode on the neck of land in Casco Bay called Machegonne.[1] In 1636 Cleeves went to England to secure a patent for the Machegonne as against the threatened encroachment of John Winter who the year before had enlarged the Trelawney holdings by 2000 acres in the direction of the Casco River toward the Machegonne. He hired Thomas Morton, the reprobate of the Mare-mount and an enemy of the Massachusetts to procure the patent for him. The Massachusetts was alarmed at the appearance of proceedings, but Gorges attempted to assuage the Bay Colony in her fears. In a letter of August

1. J. P. Baxter, George Cleeves, p. 49
Mass. Hist. Coll. Vol. 7, series 4, p. 330.

23, 1637 to Winthrop he declared that there was nothing political about the hiring of Morton or detrimental to the interest of the Massachusetts. Cleeves was, in fact, a friend of the Puritans and had spoken well of Governor Winthrop to both the King and Archbishop Laud who were then investigating the activities of the Bay Colony. There was at that time being perfected, a plan for the union of all the colonies in New England under one head. Morton would be interested in reducing the Massachusetts to subjection. Not so Cleeves, who had brought suit against his Maine enemies, Vines, Godfrey, Purchas and Winter, all protegés and servants of Gorges. He expected the Massachusetts to help him against them.[1]

Upon Cleeves' return to New England, having taken Machegonne from Arthur Macworth who was a neighbor of his to the east beyond Falmouth Neck (Portland),[2] he hurried to Boston with a commission from Gorges which he expected to fulfill. The Massachusetts were directed to join the government with him in the Provinces of New Somersetshire and to oversee the Gorges affairs there. Winthrop, however, found technical reasons for not wishing to accept the commission; he was unwilling to recognize a law outside of his own charter. He knew the eastern bounds were still un-

1. J. P. Baxter, pp. 57,58 ff.
2. Ibid. p. 29, p. 67.

settled and held possibilities of later advantage to the Massachusetts.

Winter, Vines and the others in the Province of Maine claimed the Machegonne lands as their own by reason of the first Trelawny patent whereby the "northern limit of Trelawny's grant coincided with the northern limit of Cammock's patent of Black Point, one mile up the River Spurwink," thus including the Cleeves' patent. As a matter of fact, Cleeves' grant was laid out about seven miles beyond the mouth of the Spurwink, wholly out of bounds of Trelawney's first patent and beyond the bounds of the second patent which was laid out north of the first. On July 29 Winter pushed the Casco River north, claiming that the river separating Cape Elizabeth and Cleeves' Neck was the River Casco, heretofore named the Machegonne. A little later he moved the river still farther north to what was known up to that time as the Presumpscot. Gorges in August 1637 wrote to Sir Harry Vane, Winthrop and others, asking them to settle the controversy. Vane was on his way to England and Winthrop was unwilling to interfere.[1] The conflict in Maine was conducive to the designs of the Massachusetts in regard to that Province.

In the spring of 1640 the new government of Georgeana

1. J. P. Baxter, G. Cleeves, pp.73-76.
Mass. Hist. Colls. series 4, vol. 7, p. 330

was set up in the Province of Maine under the governorship of Thomas Gorges. By this time Cleeves had fallen out of favor with Gorges; Trelawney had spoken ill of Cleeves and moreover the latter had been unable to fulfill his promises to Gorges in regard to the Province of Maine. Hence, Cleeves was given a secondary place in the judiciary department of the newly established government.

The new government opened court at Saco on June 25, 1640; Cleeves was a member of the grand jury; Vines, Godfrey, Josselyn, and Richard Bonython were councillors. There the Cleeves versus Province of Maine controversy in all its complications was brought to light and aired to the Court. Godfrey presented an order for damages against Cleeves, upon having answered successfully for himself before the Star Chamber to a writ of complaint presented to that body by Cleeves. Gorges (in a letter to Winthrop) requested that the latter render justice to Godfrey which order however Winthrop ignored. He did not wish to see Star Chamber decrees enforced in New England.[1]

Cleeves brought two cases into Court against John Winter, an action of trespass and of interruption. As a result of the hearing, in the first instance, the plaintiff won his house and four acres of enclosed land adjoining the house, £80 damages and 12 sh. 6 pence cost of court.

1. J. P. Baxter, G. Cleeves, p.87 ff.

In the second, he was given title to his land according to his deed, 12 pence damages, 12 shillings and 6 pence cost of court.[1] Vines alone refused judgment in favor of the plaintiff.

The case was by no means settled as it would appear to have been. Winter was a stubborn man and refused to accept the verdict. Upon a threat of attaint of jury brought against Captain Cammock because of a careless remark made by him, Winter caused both verdicts together with an action for libel against Cleeves to be referred to four arbitrators. The Rev. Stephen Bachiler then of Massachusetts was chosen umpire. Cleeves won Machegonne, but was given £60 instead of £80 the jury was sustained in the matter of libel against Winter's wife and Cleeves was ordered to make an apology.[2] Trelawny ordered Winter to pay Cleeves one fourth of the amount awarded him for his property in the Spurwink or what he would accept. Winter was to open a suit for possession of the Neck and to hold what he had on the west bank of the Casco River. The case was not to be considered closed, and should Cleeves persist, the case would be presented to Parliament where Trelawny was certain he would get what he wanted.[3]

1. Maine Province & Court Records, Libby Vol. I, pp.42-72.
2. J. P. Baxter, G. Cleeves, p. 98
3. Ibid. p. 106.

In June, 1642, Cleeves went to England. The time was propitious for his business there. The revolution was on, the Republicans were in the saddle, Trelawney was in prison and Gorges was in the war on the side of the King. In Maine, the Reverend Robert Jordan had married Sarah Winter, adding greater pressure to the hostility against Cleeves. Cleeves had seen the Plough Patent in the hands of Richard Dummer of Newbury in New England, and he was determined to have it as a means of defence against his enemies, especially Godfrey and Vines. Hence he solicited the aid of Colonel Alexander Rigby, an influential Parliamentarian and a Puritan, for the consummation of the project and induced him to purchase the Plough Patent. The deed passed hands on April 7, 1643/44.[1] Cleeves then turned to bring charges of oppression against his enemies Godfrey and Vines. In order to present the charges to Parliament, it was necessary to draw up a petition to which were attached the names of men who could substantiate the statements made. Cleeves supplied the signatures of men whom he

1. The Plough Patent secured on June 26, 1629/30 from the Council of Plymouth by the Company of "husbandmen," people from London, for a grant 40 miles square, by the seaside and up into the country on the south of Sagadahock. This grant disregarded the Gorges and Mason patents of 1622, 1629. Winthrop's journal July 6, 1631 records the arrival of the ship Plough of 60 tons at Nantasket bringing 10 passengers from London. Not liking the Sagadahock they returned to Boston. In 1638 Mr. Richard Dummer was given the patent with the purpose of projecting a colony. He failed and they sold to Colonel Rigby.

thought would substantiate his petition although he had not had previous permission to do so. They denied any part or responsibility in the act, in depositions given some years later.[1] Governor Winthrop, Arthur Macworth, Henry Boade and Captain Edward Gibbons were appointed by the Parliament to investigate the charges presented by Cleeves. With his commission to establish a government in the Plough Patent and the order for the examination of Vines and Godfrey, he returned to Boston in the last part of 1643. Cleeves established his government in the Province of Lygonea, as the Rigby patent was now called, and he called a court to meet at Casco on March 25, 1643. Vines wrote immediately to Governor Winthrop in complaint of Cleeves' doings. Cleeves had claimed the protection and approval of the Massachusetts in his activities; Vines sought a refutation of the alliance. Vines held that the Plough Patent was "no better than a broken title," the royal grant of 1639 from the King superseding all of the earlier grant of the Council of Plymouth. Vines promised to hold the peace insofar as he might be able

1. J. P. Baxter, G. Cleeves, pp. 114, 115.
Depositions signed by 9 persons:

Peter Weare	Henry Watts
John Wilkins	Andrew Alger
John Smyth	William Hamans
Arthur Macworth	John West
John Wadlowe.	

Baxter, Cleeves, Doc. Oct. 21, 1645 -- another signed by Francis Robinson, same date.

to do so, without betraying his trust to Gorges.[1]

The Massachusetts, although she was unwilling to admit openly her support of the Cleeves' government, by subtle ways showed her preference for it. Governor Winthrop wrote to Mr. Vines of the Rigby purchase and of Cleeves' agency in behalf of Mr. Rigby. Cleeves appealed to the Governor for aid, invoking his support by reason of the Puritan Church which he was attempting to gather and which Jordan and the other Church of England men were opposing. Cleeves was well aware that this and the wisdom of ignoring the Gorges Patent of 1639 which Gorges held to supersede the grants under the Council for New England would make a weighty argument. The Massachusetts however maintained an attitude of waiting, the Court having voted, September 7, 1643, "it was not meete to write to ye Eastward about Mr. Cleeves, according to his desire."[2]

Mr. Vines wrote a third letter to Governor Winthrop seeking the Governor's aid against Cleeves. Cleeves was then busy gathering the support of the inhabitants to a petition to the Governor, whereby he was seeking a place in the New England Confederation for his province. Mr. Jenner appears

1. Mass. Hist. Soc. Papers, series 4, vol.7, p. 347, Jan. 9, 1643/44. The name Lygonea was derived from the maiden name of Gorges' mother, daughter of William Lygon, and it is thought was suggested by Gorges himself. The Lygonean grant included land already deeded to Levett in 1623; to Lewis & Bonighton and Oldham & Vines in 1630.

2. Mass. Hist. Soc. Colls. ser. 4, vol.7, p.363, Jan.27,1643/44 Winthrop's Journal, Vol. II, p. 157.

to have informed Vines of the nature of the petition, for Vines wrote, " Mr. Jenner tells me that the Engineere hath soe cunningly contrived it, that all those that have set there hands to it, for matter of defense against all invasion, have likewise acknowledged Mr. Rigby to be there Governour, being utterly ignorant of his deceipt therein."[1] The letter betrays a shadow of perfidy on the part of Mr. Jenner who not only served to inform Governor Winthrop in regard to affairs there, but seemed to direct the course of political venom as well.[2] Vines was thoroughly alarmed with what he termed mutiny to all government, according to a petition, which he said Cleeves had provoked the writing of, and which called for the trial of both governments. at a court of the people, before either was to be recognized.[3]

During the year 1644, the Royalist Party was more hopeful in the Province. In England, affairs were very much against the Parliamentarians. Vines consequently became openly defiant of the Massachusetts. He denied having made

1. Mass. Hist. Soc. Colls. ser.4, vol.7, p.350. Jan.29, 1643/44

2. The much cited paragraph in Winthrop's Journal, vol.11, p. 100 giving Winthrop's reasons or pretext for the exclusion of the Maine Province has no bearing whatever on the situation in Lygonea, "those of Sir Ferdinando Gorges his province beyond Pascataway" refers to the Gorges government only. The date May 15, 1643 was two months later than the founding of the Lygonean province; nine months in advance of Cleeves' openly expressed ambition and six months before his return to the Province.

3. Mass. Hist. Soc. Colls. ser. 4, vol.7, p.351, 2. Feb. 12, 1643/4

any promise of maintaining peace to the Massachusetts and he threatened Mr. Jenner to his face. With Captain (John) Bonython at the head, those of the Vines faction armed themselves with bilbowes and went forth from their Court to apprehend and seize Cleeves and Tucker. Mr. Jenner was probably right in his analysis of the situation; "I think verily that the maine motive which stirs them on to be so violent against Mr. Rigbies conduct is their manifold debts to the people in the Bay and elsewhere. Now, so long as they have the staf in their owne hands, they care not. No man scarse durst to ask for his owne, much lesse to sue for it."[1]

In England, with the approach of the year 1646, events took a turn favoring the Cleeves' side. With the Battle of Naseby, the Royal cause was lost, and Vines left the Province for Barbadoes. Henry Josselyn took the office of Deputy Governor, assisted by Arthur Macworth who in the last year had joined the Gorges party. Trelawny and Winter were both dead and only Gorges remained to give opposition.

Following Naseby, Church and Royalty joined in the last struggle for survival. Friends of the Church of England in Maine deserted Cleeve. Robert Jordan, the Anglican clergyman, was most active in bringing this about. Mr. Josselyn, deputy governor, accompanied by Francis Robinson and Arthur Macworth, upon the instigation of

1. Mass. Hist. Soc. Colls. ser. 4, vol.7, p.357, Mar.28,1645.

Jordan, had come into Casco Bay and had dissuaded the inhabitants of Lygonia from their loyalty to the Rigby government. Moreover, the Cleeves party anticipated a raid upon their next court meeting at Saco, when a band of some 100 men of their enemy had planned to break up their court and to seize the principals of their government and to slay them. The Cleeves party in a petition signed by William Ryall, Thomas Purchas, George Cleeves and Richard Tucker implored the Massachusetts to send them "against that day some of (her) men to stand by (them) for the keeping of the peace and the maintenance of Mr. Rigbies rights." It was expected that the Massachusetts would lend her support because Parliament had confirmed Mr. Rigby's authority.[1] The Massachusetts replied with letters of advice to both sides in which the Governor urged that peace be maintained until advice come out of England.[2]

The Cleeves Court met at Saco in March in accordance with predetermined plans. Immediately, upon the conclusion of the Court, the proceedings were fully and graphically presented by Jenner to ~~xxx~~ Governor Winthrop. Mr.Josselyn and his company came armed with guns and swords, Mr. Cleeves and his followers were unarmed. After the sermon had been

1. Mass. Hist. Soc. Colls.ser.4, vol.7, p.373,Feb.18,1645.

2. Ibid. p. 374, March 5, 1645.
J.P.Baxter, George Cleeves, Doc. p.269

concluded, Mr. Josselyn and his company withdrew somewhat and upon brief consultation requested that Cleeves show them the original of his patent. Mr. Cleeves hesitated momentarily, then agreed, and the document was publicly read. The next morning Mr. Josselyn delivered a protest to Cleeves bearing the signatures of all of his company. They denied the right of the Rigby government to a claim of land between the Sagadahock and Cape Porpus and they urged Mr. Cleeves to submit himself with his followers to the Gorges government. They demanded that Mr. Cleeves submit the bounds of his grant to examination. Mr. Josselyn held that Mr. Cleeves' bounds must begin 60 miles up the Chenabeck River because the patent held the tract to be 40 miles square lying on the south side of the Sagadahock River. Cleeves readily agreed to a trial at Boston, whereupon they both bound themselves for £500 to appear at the next court at Boston. By letters to the Governor both parties sought the approval and admittance of the suit before the Court at Boston. Cleeves insisted that Jordan desist from interfering in the government of the Province of Lygonea; both parties agreed to maintain peace until the suit had been concluded.[1]

The weaker powers called upon the Massachusetts to settle their dispute. The parties betook themselves to Boston; George Cleeves and Richard Tucker for Rigby's interest;

1. Mass. Hist. Soc. Colls. ser.4, vol.7, p.359, April 6, 1646.

Henry Josselyn and Francis Robinson for Gorges. Cleeves as plaintiff presented the Lygonia Patent, but it lacked the signature of all of the patentees, only two of the eight original patentees having signed the transfer. Cleeves, moreover, was unable to afford a survey of the territory he claimed as his, nor was he able to produce witnesses who could prove that the land he occupied lay within his patent. Josselyn could produce only a copy of the original Gorges patent, hence the Massachusetts found both patents invalid.[1]

While the Massachusetts decision was under discussion in the Provinces and elsewhere, the long delayed decision of the Commissioners for Foreign Plantations arrived.[2] Alexander Rigby was found to be "the rightful owner and proprietor of the inheritence and fee simple of the Province of Lygonea. . . the same being a territory or tract of land containing 40 miles in length and 40 miles in breadth lying on the south west side of the river Sagadahock and adjoining into the great ocean or sea." All the inhabitants of the province were ordered "to yield obedience to the said constitution of the said province and that upon resistance of the inhabitants the governor of Massachusetts province shall assist the officers appointed by the said Alexander Rigby."[3]

1. J.P. Baxter, G. Cleeves, p. 148

2. Decision rendered by Committee Foreign Plantations in March, 1646/47.

3. J.P. Baxter, G. Cleeves, p.150.

The Kennebunk River was made the southern boundary of Lygonea and the dividing line between Maine and Lygonea, the seacost between that river and the Sagadahock the eastern, the western boundary was forty miles in length and met the northern line forty miles from the sea. To Gorges was left the territory southwest of the Kennebunk River, Wells, Georgeana and Piscataqua with the Isle of Shoals. Josselyn of Blackpoint and Jordan of Spurwink found themselves to be within the Province of Lygonea. Needless to say the decision of the Commission was a piece of Puritan politics.

In the reorganization of the government of Lygonea, Cleeves was particularly subject to the advice and direction of the Massachusetts, a commission having been appointed by Parliament to assist him, of which Bellingham, Winthrop, Dudley, Pelham and other Massachusetts magistrates were members. Cleeves was appointed deputy-president and assistants, magistrates and deputies were chosen by popular suffrage. A circuit court was established which held its sessions by turns at Casco, Black Point and Saco. Cleeves' former foes, Josselyn, Jordan and Macworth joined him in government. Jordan settled the Winter estate and with the approval of Cleeves took over the Trelawney property in the Province. Cleeves liberally granted lands at Casco Bay under the authority of Rigby. The government of Lygonea flourished and the inhabitants increased rapidly.[1]

1. J. P. Baxter, G. Cleeves, p. 152

During the spring of 1647 word came to the Province of Maine of the death of Sir Ferdinando Gorges.[1] This opened the way to the Massachusetts for the usurpation of the Province. On the claim of inefficiency in government and need for supervision the Massachusetts awaited a likely opportunity to force her entrance upon the Gorges Province. As in the case of the New Hampshire, the Massachusetts required only the opportune moment for the invention of an appropriate pretext.

With the news of Sir Ferdinando Gorges' death the inhabitants of the Province of Maine fell into a disturbance in regard to the further ordering of Provincial affairs. Letters were directed to the Rigby heir, but no reply came. Hence, in October, 1648, the General Court undertook the continuation of the established government under Godfrey. When a year passed without word from the Gorges heir, the people of the Province, including those of Kittery, Georgeana, Wells and the Isle of Shoals, met together at Georgeana in July of 1649, and passed the resolution to enter into a compact with one another, "to see thes partes of the countery, and pvince regulated according to such laws, as formrly have bine exercised and such other as may be that meet, not repugnant to the Fundemental lawes of our nation and country and to make choyse of such governor or gover-

1. Sir Ferdinando Gorges died on May 27, 1647.

nors and magistrates as shall seem best."[1]

In order to reconcile the Puritans in the Province, the same Court in the October session enacted a statute establishing freedom of worship to all Christians irrespective of religious creed. It was ordered: "That all gode people within the Jurisdicktion of this province who are out of a church way and be orthodox in Judgement and not scandalous in life shall have full liberty to gather themselves into a church estate, pvided they doe it in a christian way."[2] With the exception of Rhode Island, Maine was then the only colony in New England to give legal sanction to religious freedom, although from its beginnings it had acquiesced to alien religious practices. Proof of the broad spirit of toleration in the Maine Province was the statement of the Anglican Thomas Gorges to John Winthrop, "Mr. Jenner I heare is like to remaine at Sacoe; it is an argument I hope that God intends good unto these parts."[3] Mr. Vines, successor to Thomas Gorges, wrote to Winthrop of Jenner, "I like Mr. Jenner his life and conversacon and also his preaching if

1. Mass. Hist. Coll, vol.1, p.103. Williamson's Maine, p. 325. In October 1648 Godfrey was reelected Governor; Richard Leader, Nicholas Shapleigh, Thomas Withers and Edward Rishworth, councillors for past two years reelected to the same office; Basil Parker was elected recorder. Maine Province & Court Records, p. 133-4.
2. Maine Court Records, Vol. 1, p. 136, Oct. 16, 1649.
3. Mass. Hist. Coll. ser.4, vol.7, p.333, Mar. 23, 1640.

only he would let the church of England alone."[1] Mr. Jenner in his words to Governor Winthrop was himself witness to the degree of toleration with which these Anglicans accepted Puritan doctrines: "Free leave they give me to doe whatsoever I please; imposing nothing on me either publickly or privately."[2] The Massachusetts as in New Hampshire in the case of John Wheelwright whom they hounded out of the Province, were possessed with a fury to drive further heresies altogether out of New England.[3] For reasons of state, more truly than religion, the Massachusetts was the foe of every religious innovation. As in 1638 she had declared her purpose of surveying her utmost limits, the Massachusetts again looked to her northern boundary as a means of accomplishing her aim.

John Winthrop died on March 26, 1649, and was followed in the next year by Alexander Rigby, whose death occurred in London on August 18, 1650. It was now a mere matter of time before the entire Province of Maine with that of Lygonea should fall to the Massachusetts. Cleeves was shorn of all power in the Province; his adversaries Jordan and

1. Mass. Hist. Colls., ser.4, vol.7, p.340.

2. Ibid. p. 356, Dec. 4, 1640.

3. John Wheelwright received tract of land, 400-500 acres, at Wells. December, 1643, he wrote a confession and petition to the General Court. In 1644 his banishment of Nov. 2, 1637, was removed; he departed for England but returned to Salisbury where he had a ministry.

Josselyn agitated in favor of union with Godfrey's government;[1] the town of Wells had from the first recognition (of his pretensions) refused him. Henry Boade had written to Governor Winthrop two years earlier, "Mr. Cleeves hath measured his 40 miles and hath beene with me at Welles and Saith his line reacheth us to be within his pattent of Ligonea for the wch we (are) very sorry, for we intended to joyne ourselves to the government of the Massachusetts Bay."[2] Although Cleeves in the last instant sought to save the province by joining the Gorges government in defense against the Massachusetts, he had already accomplished its fall. Cleeves had been the instrument of stealth whereby the Massachusetts had opened up the Province to herself; others like Henry Boade were destined to invite her in and to give the Province to her. Samuel Mavericke summarized the whole situation in New England thus: "As for those English in New England -- they pr'tend severall Pattents to beare them out in what they doe -- Sir Ferdinando Gorges (was) granted a large tract. . . intituled ye Province of Mayne whch in-

1. During Cleeves' absence in England in behalf of the petition, Dec. 5, 1651, of the Maine and Lygonea Province in complaint to Parliament, Rigby wrote to Henry Joscelyn, Robert Jordan, Arthur Macworth, Mr. Thomas Williams, Robert Booth, Morgan Howell, John Wadleigh, Jonas Balley, Thomas Morris, and Hugh Moseer etc. charging them with attempting to subvert the government there to the interest of others.

2. Mass. Hist. Soc. Colls. vol. 1, 5th series, p. 358.

cluded seven or eight of ye lesser Pattents granted to seuerall others before, and since in Oliver Cromwell's tyme another was granted for a large tract of land, to Collonel Alexander Rigby under the title of ye Province of Lygonea, and he by his agents contended for jurisdiction, over pte of the Province of Maine and some other Pattent. But while they were contending Massachusetts swallowed up all."[1]

1. N. Y. Historical Society Papers, 1869, p. 21, March, 1661 Samuel Maverick to Earl of Clarendon.

Section V

THE SUBMISSION OF MAINE TO THE MASSACHUSETTS, 1652-1660

On October 31, 1651, the Massachusetts General Court passed a resolution to the effect that Kittery should be brought under the government of the Massachusetts. The town lay within the bounds of her patent, as did the territory many miles to the northward; moreover, the Massachusetts had been informed that a number of persons there were endeavoring to induce the inhabitants of Kittery to petition Parliament for a grant of the place not with standing that the major part of the inhabitants preferred to submit to the Massachusetts. The latter, in consideration of these facts and with an eye to "the comodiousness of the Ryver Pask(ataquack) and how p'inditiall it would be to this gou(ern)-m(en)t if the afores(ai)d place and Ryver should be possessed by such as are not ffriends unto us," ordered that a "loveing and ffriendly letter" be sent to the inhabitants of Kittery informing them of the Massachusetts right. Mr. Simon Bradstreete, Major Daniel Dennison and Captain William Hawthorne were appointed a committee to treat with them and to recieve them under the Massachusetts government, provided an agreement could be arrived at between them. This failing, the region was subject to seizure.1

1. Mass. Bay Records, Oct. 23, 1651. Vol.4, pt.1, p.70
Maine Hist. Collections, Oct. 31, 1651. Ser.2, Vol.4, p.11
Documentary Hist. State of Maine.

Mr. Bellingham and Mr. Simonds, magistrates drew up the letter which was to be sent to the representatives of the Maine government, Edward Godfrey and Nicholas Shapleigh. The commission who were to treat with the Maine officials were given wide powers of authority in carrying through the annexation of Kittery.[1]

The Maine government, as the Massachusetts had been previously informed, on December 3, 1651, ordered that Mr. Godfrey, Mr. Leader and Mr. Shapleigh were within ten days time to draw up a petition to Parliament for the "confirmation of this prsent government here established."[2] Edward Godfrey completed the petition two days later. After stating that because of the death of Sir Ferdinando Gorges, and his heir taking "no order for our Regement," the inhabitants of the province were "forced and necessitated" to join together by way of combination, Godfrey asked that the Council of State confirm the government thus entered upon by them, that the inhabitants be declared "members of the Commonwealth of England," and that they share equally with other colonies in these parts of the Council's favors.[3] Cleeves was selected to take the petition to Parliament because of his connection with the late Baron

1. Mass. Bay Records, Vol. 4, pt. I, p. 73, Oct. 24, 1651.
2. York County Court Records (Col. Bank's notes) Dec.3,1651.
3. Hazard, vol. I, pp. 559-60.

Rigby whose influence could be drawn upon for favor. The petitioners however heard no more from their endeavors, the agents of the Massachusetts having persuaded Parliament that the petitioners were royalists in sympathy with the King.

Edward Godfrey then wrote a letter of protest to the General Court in respect to their declaration of title to the Province of Maine. He pointed out that when their patent had been subjected to quo warranto proceedings and none of the Massachusetts agents dared to speak in defense of it, he, Edward Godfrey, had answered to the objections raised against it and had saved it. To this Edward Rawson, Secretary of the General Court, replied that the Massachusetts agents "stood mute" before the Court because they knew the Council had not the legal power to proceed against the patent; however, he thanked Godfrey for the kindness. Their patent had survived the inquiry while the Grand Patent of Plymouth under which the Maine Province was founded had suffered extinction and with all of the patents under it. The Massachusetts denied any intention of stretching her line beyond the true intent of the patent, but to satisfy Godfrey, the Massachusetts would again stretch her line from "three miles Northward to the Northermost branch of the Merremacke River, by a streight line from the East to the West sea," under the survey of able "artists." The Massachusetts in the past had known the extent of its limits although the Court had permitted the inhabitants there to

govern themselves, for they appeared able and well contented in their government and had kept "good correspondency" with her. Of late, learning that the inhabitants of the Maine Province had resisted the Gorges patent and had encroached upon Massachusetts limits and that many of the people wished to submit to the Massachusetts government, the Massachusetts considered it time to enforce her right. Hence Captain Hawthorne, Captain John Leverett and Mr. Henry Bartholemew were being sent to treat with Godfrey and other officials of the Maine Province.[1] Edward Godfrey denied the invalidation of the patents under the Grand Council with the resignation of its charter in 1635, a law of November 28, 1648, saving them from extinction. He marveled that the Massachusetts should for twenty-one years have consented to their exercise of government under the Gorges patent if all of the time she had claimed the Province under her patent. He questioned the honesty of the motives set forth by the Massachusetts in now enforcing her pretended rights; the Maine Province neither resisted any patent, nor encroached upon Massachusetts jurisdiction; as to the ill deportment of a party of people in Maine, there were but two such who had as well given the Massachusetts reason for disciplining.[2] The inhabitants of Maine would not willingly part with their

1. York Deeds, Part I, Folio 21-22, June 12, 1652.
2. Perhaps George Burdett and Nicholas Frost.

jurisdiction over their persons or lands, nor would they part with their "praetious (precious) lybertys, for unknowne and uncertaine favours." They were resolved to exercise their just jurisdiction until the Parliament in England should order otherwise.[1]

On the same day the Commissioners who by the order of June 11, 1652 had repaired to the Province to treat with its officials issued an ultimatum. They had conferred with Edward Godfrey, Richard Leader, Thomas Withers and Edward Rishworth, but were unable to come to any agreement with them, the Maine officials refusing to deal with them on the matter of submission to the Massachusetts government. They absolved the inhabitants of the Province from all allegiance to the Maine Government under Godfrey and Richard Leader, and declared the Province to lie within the bounds of the Massachusetts patent and hence within the jurisdiction of the Massachusetts. They assured to the inhabitants of the Province who should submit to the Massachusetts continued possession of their lands, goods and chattels, and an equal share in the favors and rights with all other inhabitants in the jurisdiction. The inhabitants were given until October 10 to submit.[2]

The magistrates of the Maine Government upon re-

1. York Deeds, Part I, Folio 21-22, July 9, 1652.

2. Maine Hist. Soc. Coll. 2d ser. vol. 4, p.14, July 9,1652 Documentary Hist. State of Maine.

ceiving this declaration, answered that they had refused to have dealings with the Commissioners of the Massachusetts because they had failed to show power of command from the English Parliament or Council of State; that the land claimed by the Massachusetts had known the stamp of many patents and the expenditure of some £35,000 upon it; that a lawful jurisdiction had been exercised for some twenty years within the Province, and had been acknowledged and recognized by the Massachusetts and approved in England. Edward Godfrey and the magistrates again asserted their determination to proceed with the government until legal power order otherwise.[1]

The General Court perused the letter from the Maine Province and ordered that a commission be sent there as speedily as possible with power to govern them.[2] Mr. Simon Bradstreet, Mr. Samuel Symms, Captain Thomas Wiggin, Major Daniel Dennison, Captain William Hawthorne, Mr. Bryan Pendleton were chosen to settle the civil government among the inhabitants of Kittery, the Isle of Shoals, Agamenticus and beyond. They were to summon the inhabitants together to obtain their submission; to establish courts for the trial of civil and criminal cases; to appoint commissioners; to administer oathes to them; to appoint constables and

1. Maine Hist. Soc. Coll. 2d ser. vol.4, p.15, July 9,1652
   Documentary Hist. State of Maine.
2. Mass. Bay Records, Oct. 19, 1652, vol.4, pt.I, p.109.

other officers of the law for the government of the Province.[1]

On May 31, 1652, the Massachusetts rendered "true interpretation" of its patent line northward to be "from the northermost part ye River Merimacke, and three miles more north, where it is to be found, be it an hundred miles, more or less, from the sea, & thence uppon a strieyght line east and west, to each sea."[2]

To determine the exact extent of the line the Court ordered that a commission be appointed of Captain Symond Willard and Captain Edward Johnson who should, with the aid of artists and assistants, find the most northerly part of the Merrimac River and should note the latitude of the place and make a report of their findings to the next session.[3] On October 19, they submitted a report of their findings as by commission of May 27, 1652. They had engaged Jonathan Ince, a student at Harvard College and John Sherman, sergeant of Watertown to take the latitude of the northernmost part of the Merrimac River which they found to be 43° 40' 12" besides those minutes to be allowed three miles more north. The latitude was taken on August 1, 1652 at the place where the head of the Merrimacke River issued out of Lake Winnapusseakit (Winnepesaukee).

1. Mass. Bay Records, Oct. 19, 1652, vol.3, p. 288.
   Ibid. Oct. 23, 1652, vol. 4, pt. 1, p. 109.

2. Ibid. May 31, 1652 , vol. 3, p. 274; vol.4,pt.1,p.93
   Sainsbury 1574-1660, p.392, Oct. 28,1652.

3. Mass. Bay Records, June 1, 1652, vol.3, p.278
   Ibid. vol.4, pt. 1, pp.98,99.

   The charges were £28, 12 shilling 10 pence; Capts. Willard and Johnson were given 20 marks for their pains.

On June 12, 1652, when Rawson wrote to Godfrey "we have been long since satisfied by those whome we employed to runne our northerly line yt ye place wr you inhabite did fall within our jurisdiction: yt for asmuch as the people satl doun & governed by a patent. . .and kept good correspondency with us. . . we contented ourselves with a lesse formal challenge to our right," it is plain the Massachusetts had no exact knowledge of the limits of their patent. In the year 1639, the Massachusetts had accepted the less definite findings of a commission then appointed, making claim to land north of 43½°, far above Penkook (Concord, N.H.).

On November 6, 1652, Edward Godfrey made a second appeal to authorities in England, this time to Cromwell. The Province had been forced to enter into a combination as it appeared by the remonstrance and petition of December, 1651, since when the government had been acting under the law of January, 1648, in the name of the Keepers of the Liberties of England. Again, Godfrey complained of the encroachment of the Massachusetts upon the lands and jurisdiction of the Province, dispossessing those who for twenty years had owned and improved the land, overriding the patents of others also formerly exercising government ~~xxxxxxx~~ therein. He sought audience for Richard Leader who was commissioned to act for them in the settlement of the dispute.[1]

1. Jenness, Documents, Nov. 6, 1652, p.39
N. Sainsbury 1574-1660, p. 392.

The agents of the Massachusetts in London were busy in behalf of that colony, hence nothing came of Godfrey's petitioning. Mr. Winslow was the Massachusetts agent in England to whom Samuel Symonds tendered suggestions in answering the inquiries about the Maine proceedings. A postcript to a letter to Endicott reads, "If the question should be made what are these few lands to such a business, our Secretary may suggest such things as I shall mention to help furnish our agent a tending answer: the people inhabiting in that tract of land falling under the line of the Massachusetts are not many; that the Toune of Kittery is the most considerable (I take it) for number of persons and the greater part doe petition; that this Toune is the place where the party later had his dealing, and soe best knoune; that when he obtained lands, they had not considered and accepted our title; that noe other places but this (it is likely) have had thoughts and oportunity to express themselves herein."[1] This, and the warning that a document enclosed within the letter should not be used "unless the party be active and some way mooving, in, or toward such a business" opens one to suspicion that intrigue was being employed in England for the destruction of Godfrey's plans.

In July, 1651, Joseph Mason as attorney for Mrs. Anne Mason sounded the alarm for an interruption of the

1. Davis Papers, Mass. Hist. Soc. Colls. Sept. 10, 1652.

spoliation of the Mason property and a restoration of losses sustained. He came to New England in 1651 and immediately protested against the proceedings of Richard Leader or his agents in respect to the Mason lands on the Piscataqua.[1] He entered suit against Leader, who however was released for the time from making appearance because of his intentions of sailing to England.[2] Leader had in March, 1651, obtained from the town of Kittery a mill site on the Littell River at Newichawancke and the property in timber not yet granted to any town or persons.[3] He had set up a sawmill which under the title of "Great Workes" had been doing a thriving business on the river. On May 31, 1652, the Court informed Mr. Mason that the lands in dispute fell within the Massachusetts jurisdiction and he acknowledged this to be so, and submitted the land to the Massachusetts jurisdiction.[4] Thus the Massachusetts were at once assured of the full submission of the New Hampshire as well as of a means of persecuting Leader. The revival, on the part of Anne Mason, of interest in the recovery of the lost province was a fortunate coincidence for the Massachusetts and one which could be used to good advantage.

1. Jenness, Documents, p. 38, July 4, 1651.
2. Records Mass. Bay, Oct. 30, 1651, vol. 4, pt. 1, p.73
3. P. & C. Records, vol.1, p.161, March 11, 1651.
4. Mass. Bay Records, May 31, 1652, vol.4, pt.1,p.94.

On July 19, 1652, John Endicott, then Governor of the Bay Colony, wrote to Mrs. Mason advising her to consult some good attorney on the subject of her claim against Richard Leader which for want of sufficient legal evidence the Court were unable to determine.[1] On December 20, 1652, the inhabitants of Kittery remonstrated against the use Richard Leader might make of the signatures he obtained from them under false pretences. They requested that Parliament ignore any petition Richard Leader might present with the subscription of their signatures; they expressed their desire to remain under the government of the Massachusetts. Among those signing this petition were the two Chadbournes, Nicholas and Charles Frost, Hugh Gunnison, a recent comer from Boston, keeper of the town wineshop, Richard Nasson, Jeremy Sheares and Joseph Mason. These were if anything rivals in power of Richard Leader, with everything to gain by his fall.[2] The embarrassment caused

1. N. Sainsbury 1574-1660, July 19, 1652.

2. Maine Doc. Hist. ser.2,vol.4,p.43. Dec. 20,1652.
The entire list of those signing against Richard Leader:

Humphrey Chadbourne	Daniel Douneinge	Nathan Lorde
Nicholas Ffroste	Anthony Emerie	Hugh Gunnison
Abraham Cunley	James Emerie	John Wincole
Charles Ramay	Renolds Jenkins	Robert Waiymouth
Richard Nasson	John White	Thomas Spinney
William Chadbourne	John Andres	Joseph Mason
Thomas Jones	Jeremy Shears	

Humphrey Chadbourne in June 1653 Court brought a suit for damages against Richard Leader claiming that the latter had mowed and carried away his grass. Damages secured. Me. Province & Court Records, vol.II, p.12.

by the suit was a temporary handicap to Richard Leader and was never permitted by the Massachusetts to bring more than a minor degree of satisfaction to Anne Mason, for in concluding the case it was ordered "that a quantity of land with privilege of the river. . .proportionable to Captain John Mason's disbursements" should be laid out to his heirs.[1]

In October the plan was in preparation to subject the territory of Kittery and to the eastward, and as a matter of precaution the General Court of the Massachusetts passed a law requiring that "all magistrates, commissioners, captaynes and all other officers civill and military within the County of Norfolke and all the inhabitants of the Isle of Shoals and beyond the River Pascataqua, within the limits of our pattent to be aydinge & assisting to these commissioners as they shall see cause to crave or require."

On November 15 Mr. Symon Bradstreete, Mr. Samuel Symonds, Captain Thomas Wiggins, and Mr. Bryan Pendleton, in accordance with their commission of October 28, advanced into Kittery and summoned the inhabitants of the town together at the house of William Everett on the next morning at the hours of from 7 to 8 o'clock, there to hear the declaration of the Massachusetts jurisdiction over Maine, and to receive the subjection of the inhabitants of Kittery, and

1. Mass. Bay Records, Aug. 30, 1653, Vol.4, pt.1, p.156.

to settle the civil government among them.[1] At the appointed time the inhabitants met and the court was held and a lively debate ensued between the commissioners and the people. Michael Brance and Charles Frost were witnesses to a complaint prosecuted against John Bursley who had used threatening words against the commissioners and such as were favorable to submission. He confessed his guilt and upon submission was discharged. After long debate and parry of words, the inhabitants offered to submit provided they be made certain concessions which they proposed; the commissioners refused to accept their submission on any terms other than that they must first yield and that privileges would then be granted them as the commission saw fit. The inhabitants therewith submitted under their signatures acknowledging themselves subject to the government of the Massachusetts.[2] The commissioners then set forth a grant of

1. Mass. Bay Records, vol.4, pt.1, p.122,123.
John Bursley, Nov. 28, 1639, married Joanne, daughter of Rev. Joseph Hull. He was constable in 1645, bought house of George Barlow, March, 1648. Michael Brand bought house of John Davis of Bloody Point June 30, 1651. He was said to have resided at Kittery but did not sign to the submission.

2. Mass. Bay Records, vol.4, pt.1, p.124, May 18,1653.

"Kittery, Maine: whose names are under subscribed, doe acknowledge ourselves subject to the government of the Massachusetts Bay in New England. November 16, 1652:

Thos. Withers	Jn° Greene	Tho. D Durston
*Jn° Wincoll	Hugbert Mattoone	Robt R.M.Mendam
*Wm. WC. Chadborn	Gowen Wilson	Rise T Thomas
*Hugh Gunnison	Wm Palmer	*James Emery
Thos. S Spencer	*Jerre. f Sheires	Jn° Hood

(con. p.114)

privileges for the ordering of government in Kittery. The whole region beyond the Piscataqua together with the Isle of Shoals was to be called Yorkshire just as the territory south went by the name of Norfolk. Its inhabitants were to have equal privileges and favors. Kittery was to remain a township, with its former bounds, and with full recognition of titles in land and houses however obtained, by grant of town, of earlier general courts or by purchase from the Indians. All of the inhabitants were declared to be freemen, and upon taking the oath of freemen they were privileged to cast their votes for the election of governor, assistant, and other officers of the government. They were to send one deputy yearly to the court of election, two deputies to the General Court. The county of York , so called, was to have county courts conveniently located and each township which was without a local magistrate should appoint three men, approved by the county court to settle trivial cases. The shire was to elect three commissioners who were to act with those commissioners whom the Massachusetts would from time to time send into the shire. Nicho-

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Foot note 2, continued from page 113:

*Tho. Spinny	*Richard Nason	*Reignald R Jenkin
*Nath. Lord	Mary B Bayly	*Jn° A White
Joseph Mile	Daniell Paule	*Tho. F Jones
*Christian Remech	Jn° Diamont	*Denus Douning
*Niccolas Frost	Georg Leader	*Jn° S Andrews
*Robt. O'Weimouth	Jn° Symons	Daniell Davies
*Humphry Chadbourne	Antipas Mauericke	Phillip Babb
*Charles Frost	Necolas Shapleigh	Wm Everett
Abraham F Cunly	*Ancho. M Emery	

*Signed against Leader

las Shapleigh was, upon a special grant of immunity from the payment of his just debts over a period of one year, appointed to collect the dues of individuals for public benefits and to make a report of his satisfying of public accounts. Thomas Dunstan and Robert Mendum were elected constables of Kittery. Phillip Babb of Hog Island was chosen constable for all of the islands except Starr Isle. Hugh Gunnison, a former servant of Richard Bellingham and one of those disarmed in 1637, a vintner by trade, and a recent comer to Kittery, was licensed to keep a public bar. This was an unusually good vantage point for a continuous and first hand contact with the public mind. Mr. Bryan Pendleton and Thomas Withers were appointed commissioners for the shire; Mr. Hugh Gunnison ranked as an associate to keep the county court at Kittery, to hear and determine a case not exceeding 10 s. without the aid of a jury.[1]

Of the known inhabitants of Kittery, Richard Leader alone did not sign to the submission, for one thing because of his absence from the country. The list as it stands is supposed to include all of the inhabitants of Kittery and for want of other evidence must be accepted as such. Of

1. Mass. Bay Records, vol.4, pt.1, p.126ff, dated Nov. 16, 1652.
Hugh Gunnison, vintner, Boston, servant Richard Bellingham, freeman May 25, 1636; sold house with brew houses April 7, 1651; removed to Kittery, Me; Bot land of Mich. Shapleigh June 7, 1651; took oath submission Nov. 16, 1652 (Pope's Pioneers).

those who signed the submission but did not sign the petition against Leader we have the following 21 of 41 signers:

Thomas Withers	Gowen Wilson	George Leader
Thomas Spencer	William Palmer	Jno. Symons
Thomas Durston	John Hood	Antipas Mavericke
Robert Mendum	Joseph Mile	Nicholas Shapleigh
Thomas Rice	Abraham Cunley	Dan. Davies
John Greene	Mary Bayley	Phillip Babb
H. Mattoone	Daniel Diamont	Wm. Everett

The conclusion at first glance would be simply that these individuals had either given or had not given their signature to Richard Leader in the first place, and of those who had, a few evidently were satisfied to have it so, having submitted to the Massachusetts only by reason of force and convenience as the John Bursley incident would seem to indicate.

The Commissioners, having concluded the submission of Kittery, went on to Georgeana (York) where they summoned the inhabitants to gather at the house of Nicholas Davis between seven and eight o'clock on the next Monday morning. Nicholas Davis and John Davis were ordered to publish the despatch. On November 22, the commissioners held their court and as at Kittery after much debating and answering of questions the inhabitants subscribed to submission.[1]

1. Mass. Bay Records, May 18, 1653, vol.4, pt. I, p.129

The names of those that took the oath of freemen were:

Mr. Edward Godfrey	Rice: Codogan	Wm Rogers
Tho. Crocket	*George Parker	Sam Alcocke
*Jn° Alcocke	Andrew Evered	Joseph Alcoke
*Wm Dixon	*Robt Knight	Mr. Wm Hilton

(con. p. 117)

Mr. Godfrey did not give a ready consent; and not until the others had voted their submission did he give his word and vote to agree. Fears for his property seem to have been a factor of great concern to him, for he presented a document to the commissioners their subscription of which would give him a guarantee of unmolested propriety. The commissioners refused to subscribe to this unconditionally, but expressed the desire that "neither Mr. Godfrey nor any other may be injured nor suffer any damag by reason of his change of government" and the opinion that he and his associates who had improved the land were entitled to their holdings, the right, however, in case of dispute should be determined by due process of law.[1] Godfrey, in England some ten years later and in his 75th year declared, "whatever

1. Maine Hist. Soc. Coll. ser.2, vol.4. pp.36,37. Documentary Hist. State of Maine.

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Foot note 1, continued from page 116:

Wm Moore	*Mr. Franncis Raines Lewis	*Mr. Edward Rushworth
*Henry Donell	Rbt Edge	Jno Harker
Edward Stirt	*Phillip Hatch	*Niccolas Davis
Rowland Young	*Jno Davis	*Sampson Angier
*Jno Parker	Niccolas Bond	*Mr. Henry Norton
Arthur Bragdon	*Mr. Edward Johnson	Robt Hetherse
Wm Ellingham	Hugh Gayle	Wm Freathy
Jno Tuisdale, Jun.	Wm Gurnesy	Jno Davis
*Tho Courteous	*Rich. Banckes	Jno Tuisdale, Sen.
*Silvester Stover	Edw. Wenton	*Mr. Abraham Preble
Joseph Emerson	George Brancin	*Mr. Jno Gouch
Peter Wyer	Tho Dennell	*Mr. Thos. Wheelwright
Philip Adams		Mary Topp; acknowledged herself subject, 8, only.

*Signed petition 1656.

my boddy was enforced unto Heaven knowes my soule did not consent to."[1]

The commissioners granted to Georgeana or Agamenticus as it had been previously called, the same privileges as had been granted to Kittery. The town henceforth was to be called York . York and Kittery were ordered to fix the bounds between them. Nicholas Davis was chosen and sworne constable, Mr. Edward Rishworth was chosen clerk, Mr. Henry Norton was chosen marshall and Jonathan Davis was licensed to keep an ordinary. Edward Godfrey, Abraham Preble, Edward Johnson and Edward Rishworth were appointed commissioners to keep one county court yearly at York , to hear and determine trivial cases of a civil or criminal nature and to attend all matters judicial, pertaining to the wellbeing of the county.[2] In the appointment of officials the Massachusetts selected those who had considerable influence in the township and who were known to be hostile to them, hoping by means of favors to secure their support.

Of the inhabitants of York Captain Francis Champer-

1. Colonial Papers, P. R. O. XIII, 79.

2. Mass. Bay Records, vol.4, pt.I, p. 128. Nov. 22,1652. Maine Hist. Soc. Coll. ser.2, vol.4, p.32ff. Documentary Hist. State of Maine.
Abraham Preble, Scituate, witnessed deed in 1639 -- took oath of fidelity, removed to York , Me., bought land of Ed. Godfrey Dec. 20, 1642. Took oath of allegiance to Mass. Govt. Nov. 22, 1652, witnessed grant mill privileges to Ed. Rishworth in 1651. Appointed a commissioner to hold court at York .

noune did not sign to the submission because of his removal to Barbadoes where he remained a resident for a number of years.[1]

The General Court upon the reading of the report of the commissioners' undertakings voted them a "harty" thanks and for further satisfaction "a grannt of some land to each of them respectively" with the consent of the Court."[2]

On May 6, 1653, Henry Boade of Wells wrote to Governor Endicott asking that a commission be sent with as great speed as possible to bring about the submission of that town. Mr. Cleeves had not yet returned from England and Boade hoped that the submission might be affected before his return. Wells was not inferior to other places "for comodiousness," but had suffered for want of a "strong and godly" government thus tending toward disorderliness. Boade urged that the task be given first consideration empowering persons in the neighboring province to expedite the business.[3]

Thomas Wheelwright followed this with a petition in behalf of the townspeople begging that the Massachusetts "hasten the Commissioners Coming to us left in so long an interim of time something might inconviene which might hender us of that which we hope will conduce for our well

1. Samuel Haines, deposition, Dec.6, 1681 Exeter Court Records, XXIII, p. 167.

2. Mass. Bay Records, vol. 4, pt. 1, p. 132, May 18, 1653.

3. Maine Hist. Soc. Coll. 2d ser. vol.4. p.48-9, May 6,1653 Documentary Hist. State of Maine.

being in this life as namely good government from yourselfes the efecting of which is the harty desier of those which are the efected amongst us."[1]

In answer to this petition a commission was appointed on June 7, 1653, made up of Richard Bellingham, Deputy Governor, Captain Thomas Wiggin, Daniel Dennison, Edward Rawson, Sect., and Mr. Bryan Pendleton who summoned the inhabitants of Wells, Saco and Cape Porpus to appear before them on July 4, 1653. The meeting was held at Mr. Emerson's house and the inhabitants being called on by name submitted to the Massachusetts in the order given:

Joseph Emerson	Joseph Boules
Ezekiel Knight	Jnothan Thing
Jno. Gooch	John Barrett, Sr.

They were given the oath of freemen and Jonathan Thing was appointed constable for one year that the commission might the better conclude its business. While the court was in session, William Wardell, one of the inhabitants, passed by, and upon being called in to answer to his name turned his back contemptuously upon the court refusing obedience. A warrant was issued for his arrest and the court adjourned to Ezekiel Knight's house to which Wardell was brought followed at the heels by the rest of the townspeople.

1. Maine Hist. Soc. Coll. 2d ser. vol.4, p.50, May 11, 1653. Documentary Hist. State of Maine.

Upon the court's demanding a reason for his ill conduct, Wardell stated that his haste had been due not to any contempt of Court but to a haste for bringing in other of the inhabitants who had not appeared. The excuse was a good one and may have caused a not too well concealed ripple of amusement among the gathered populace. No further disturbance occurred, and upon assuming responsibility for Wardell's appearance the next morning, the court adjourned. On July 5, the court assembled and other of the inhabitants added their names to the submission:

Henry Boade	Wm. Hamans	Thos. Littlefield
Jno Wadly	Jno. Wakefield	Francis Littlefield Jr.
Edmond Littlefield, Sr.	Thos. Milles	Nicholas Cole
Wm Wardell	Anthony Littlefield	Wm Cole.
Samuel Austin	Jno Barrett	

The court upon the request of the inhabitants, as the Massachusetts Records have it, accepted the submission of William Wardell.[1] All were declared freemen. Officers were

1. Thomas Wardell, Boston, shoemaker admitted to church 9 (9) 1634. Dismissed to church Exeter with Wheelwright party 6(11) 1638. In Oct.25, 1653, he was again before Court for "casting an aspersion upon Magistrates of the Bay Colony," offender discharged paying 25.6d -- with admonition. Ezekiel Knight, Jonathan Thing, witnesses. Maine Prov. & Court Records, Vol. II, p.22.

appointed for the government of the town, to the magistracy and as selectmen -- Henry Boade, Thomas Wheelwright and Ezekiel Knight with an additional two to be selectmen, Jonathan Wadly and Jonathan Gooch. Ezekiel Knight was appointed to be a grand juryman for one year; Joseph Bowles was appointed town clerk. Wells was to have all of the privileges and favor enjoyed by the towns taken in during the previous year. The Commissioners declared that the church differences caused by men of the Wheelwright faction who were still acting in Wells were to be definitely suppressed, the Court being satisfied that the Church relation of the Wheelwright group had been wholly dissolved. Edmond Littlefield and William Wardell were of this church, the latter being among those disarmed with Wheelwright in 1637; the Littlefields and Coles having resided in Exeter up to 1643 when they followed Wheelwright to Wells. Jonathan Saunders and Jonathan Thing were appointed sergeants to drill the soldiery and an order was given for licensing an apt person to maintain an ordinary (hotel) in the town.[1]

The inhabitants of Saco gave their submission at the

1. John Saunders, Ipswich prop. 1635 -- removed to Salisbury 1638, to Hampton, adm. inh. Dec. 13, 1639; removed to Wells, Aug. 1643, bought house and land.

Jonathan Thing in service of Henry Ambrose (Charlestown), removed to Exeter, to Wells, Me.

same court according to summons made upon them.[1] Mr. Thomas Williams, Robert Booth and Jonathan West were appointed selectmen for the year and magistrates to settle cases under 40 shillings according to the law. Ralphe Tristam was appointed constable, William Scadlocke town clerk , and Richard Hitchcocke sergeant. The magistrates were empowered to receive the submission and give oath of freeman to Jonathan Smith, Richard Ball, Richard Moore, John Elson, Arthur Wormestall and Edward Clark. George Barlow was forbidden under penalty to preach publicly at Saco. Robert Booth was to supply the pulpit until an ordained minister could be procured. Saco was to have all of the privileges enjoyed by other of the townships within the jurisdiction of the Massachusetts. The towns of Wells, Saco, and Cape Porpus were ordered before the meeting of the next County Court to build highways within their towns from house to house for foot and cart, and from town to town.

The inhabitants of Cape Porpus were called and like-

1. Mass. Bay Records, Sept. 7, 1653, vol.4, pt.1, p.161ff.

Thomas Williams	Richard Cowman	Phillip Hinckson
William Scadlocke	Ralfe Tristam	Peter Hill
Christopher Hobbs	George Barlow	Henry Waddocke
Thomas Reading	Jno. West	Thomas Hale
Richard Hitchcocke	Thomas Rogers	
Robert Booth	James Gibbines	

J. Smith, Ball, Moore, etc. were residents of Cape Porpus.

wise acknowledged their submission to the Massachusetts.[1] They were given the freeman's oath and received the franchise with all other privileges. Jonathan Baker who was charged with disturbing the peace was put under bond for good behavior until his appearance at the next county court. Morgan Howell took bond from the treasurer in order to prosecute his action against Jonathan Baker.[2] Captain Nicholas Shapleigh was chosen treasurer for the County of York ; Griffin Montague was chosen constable and Gregory Jeffrey was elected grand juryman.[3]

Of West Saco, John Smith, John Layton, John Hollicum, John Sparks, Nicholas Bulle and Roger Hunnewell did not

1. Mass. Bay Records, Sept. 7, 1653, vol.4, pt.1, p.164, July 5, 1653.

Morgan Howell	John Baker	Peter Turbat
Christopher Spurrell	Wm. Renolls	Jno Cole
Thomas Warner	Stephen Batsons	Symon Trott
Griffin Montague	Gregory Jeofferye	Ambros Bury

2. Morgan Howell, planter, came with Vines, settled at Cape Porpus; bought 100 acres land of Gorges July 18, 1643.
John Baker, husbandman, Boston, admitted to Church 26 (1) 1634, dismissed 6 (7)1646 to Church of Georgeana; 1645 fined in Boston Court for threatening Wm. Furber, running after Indians with drawn sword.

3. Griffin Montague, carpenter, Muddy River, Boston, 1635. Removed to Exeter; prop. 1639. Removed to Cape Porpus.
Gregory Jeoffery , had grant from Cleeves, Nov. 1, 1651.

sign to the submission; of East Saco, John Bonthon and James Gibbins failed to submit.[1] They were, it may be surmised, supporters of the Cleeves government and put up stiff opposition to the Massachusetts regime.

Upon the usurpation of the Gorges and Rigby governments in the annexation of Kittery and York, Wells, Saco and Cape Porpus, the Massachusetts acted at a time propitious to herself when the rightful governors were absent and unable to defend their trust. A military guard proceeded the commissioners for the undertaking and where it seemed likely that objections would be made, petitions of invitation were solicited like those from Boade and Wheelwright. No single challenge of insubordination was allowed to pass unanswered. Kittery had its example in the subdual of John Bursley, Edward Godfrey was forced to head the list of Yorke submitters, and Wells was represented in its properly chastised townsman, William Wardell. Under the pretence of bringing Wells and Saco into a proper church way, the Massachusetts broke the force of antinomianism still lurking in the province and at the same time made the territory hers by seizure. Then, the Massachusetts wisely employed the skill and energy of her most influential opponents in governing the usurped lands; thus Edward Godfrey was joined with Thomas Wiggin, Nichlas Shapleigh, Edward

1. Maine Hist. Soc. Coll. ser.2, vol.4, p. 87.
Documentary Hist. State of Maine.

Rishworth and Richard Bellingham to keep the County Courts at York and Kittery for the year; Nicholas Shapleigh, who was not too friendly with the Bay powers was elected Commissioner of Kittery and tax collector for the year; and Thomas Withers an associate. At York , Godfrey and Preble were appointed to carry on the government, whereas at Wells, strong friends of the Massachusetts,Henry Boade, Thomas Wheelwright and Ezekiel Knight policed the accomplishment of Massachusetts designs. In the selection of constables, the Massachusetts took particular care to pick men who could be trusted to carry through every order and dispatch with loyalty; for Kittery, Dunstan and Mendum, for York, Nicholas Davis, for Saco, Ralph Tristam. The loyalty of the inhabitants was secured with a promise of unusual privileges from the Bay government, to enjoy the franchise regardless of Church affiliations, a privilege not extended in the Bay Colony proper. The Commissioners concluded the whole business of annexation by protecting the right of any other claimant to the jurisdiction of the Province of Maine up to the point of 43°, 43' 1½" north latitude.

Upon the return of the commissioners to the Bay Colony, the General Court proclaimed its authority over the territory annexed, with the declaration, "Wee Doe Ratify and Confirme the same and doe and shall expect obedience and Submission to this Government and Doe promise Asistance and protection unto them against any that shall by

any pretence endeavour to Disturbe them and because wee understand that Mr. Cleaves pretends a title to those parts wee doe therefore heere by will and Comand you and every of you to continuew in your obedience unto us and to oppose and resist any Resistancy that shall (from or under him or any other then such as derive theire Authoritie from the Genneral Court of the Massachusetts)endeavour to exercise Jurisdiction over you."[1]

The Court, moreover, rendered thanks to the commissioners "for theire paynes and service therin, and shall be willing and ready to make them further sattisfaction in the grant of some lands to each of them, respectively, when any shall be presented."[2] Mr. Symon Bradstreet was first to seek a reward of land, and with Samuel Symonds was given five hundred acres which together with an additional three hundred previously granted was laid out for him in the next year some five miles from Exeter.[3] Major General Dennison was granted a total of 500 acres to be laid out near the Connecticut River near Mr. Bradstreet's 500 acres;[4] Major William Hawthorne was given 300 acres;[5] Mr. Edward Rawson was granted 200 acres

1. Maine Hist. Soc.Coll, ser.2,vol4,p.97 --Sept.5,1653. Documentary Hist. State of Maine.
2. Mass. Bay Records, vol.4, pt.I, p.165 -- Sept. 7, 1653.
3. Ibid. vol. 4, pt. I, p. 180 -- Sept. 10, 1653.
4. Ibid. vol. 4, pt. I, p. 303 -- May 15, 1657.
5. Ibid. vol. 4, pt. I, p. 304 -- May 15, 1657.

of land on the Cocheco River[1] as was Thomas Wiggin who was given an equal amount. Mr. Symonds chose to take his 300 acres on the Connecticut River, next to the acreage of Mr. Bradstreet who had preferred the Connecticut to the New Hampshire for his farm.[2] Captain Thomas Clarke and Mr. John Johnson, surveyors, were each given 300 acres. Captain Brian Pendleton was last to seek recompense and was rewarded with a grant of 200 acres on the Cocheco River above Dover.[3]

George Cleeves returned to the Province of Lygonia early in September, 1653. Immediately, he dispatched a letter of inquiry to the Bay Colony seeking to be informed about their activities in the Province during his absence.[4] The Massachusetts made a brief statement of the steps taken, with a firm declaration of her intentions to maintain her rights in land as set forth by her charter and discovered to be at a point of 43 , 43', 12" North Latitude in a line east to west from sea to sea and throughout the line.[5]

On receipt of the letter of inquiry from Cleeves the

1. Mass. Bay Records, Vol.4, pt. I, p. 240 -- May 29,1655.
2. Ibid. p. 303, May 15, 1657.
3. Ibid. p. 341, May 26, 1658.
4. Baxter, G. Cleeves, Col. Doc. no. 25, Sept. 5, 1653.
5. Mass. Bay Records, vol. 4, pt. 1, p. 175 -- Sept. 5, 1653.

General Court hastily appointed Mr. Samuel Andrew and Jonas Clarke of Cambridge with all the speed possible to locate the exact place on the seacoast which was the furthermost bound of the Massachusetts patent. They were to erect a heap of stones at the place and to run the line, to mark trees forty poles into the woods east and west parallel to the latitude taken 43°, 43' 12" as heretofore determined.[1] They made a report of their findings on October 29, 1653 to the General Court. They made their observations on October 13, 1653, and found the line of the patent to run over the northermost point of an island, called Clapboard Island about a quarter of a mile from the mainland in Casco Bay and from four to five miles north of Mr. Macworth's house.[2] They marked four or five trees, one with the initials M. B.; and at the sea side the line was fixed by a huge grey rock, cleft in the middle, and distinguished in that it was the only one of its kind along the shore.

On April 21, 1654, Edward Rigby directed a petition to the Lord Protector, Oliver Cromwell, seeking attention in the settlement of his plantation in New England. The petition was set aside as could be expected at this time, and Rigby got no further satisfaction.[3]

1. Mass. Bay Records, Vol. 4, pt. I, p.178 pp Sept. 10,1653.

2. Ibid. p. 207, -- Sept. 18, 1654.
Maine Hist. Soc. Coll. 2d ser. vol.4, p. 226,227. Oct. 18, 1654. Documentary Hist. State of Maine.

3. Colonial State Papers, America & West Indies, no. 415, April 21, 1654.

In the province, Cleeves continued the fight for the preservation of the original government of Lygonia. Henry Josselyn and Robert Jordan joined Cleeves, each motivated by the need for preserving his property against the dissolution of grants by the Massachusetts. Robert Jordan had a particular complaint to make to the Massachusetts; he petitioned the General Court for an adjustment of the losses which he had suffered, upon the declaration of that power against any who should make claims to land within her line. He recited, "that it pleased this General Court to commissionate certain gentlemen of trust and wisdom to agitate with part of the inhabitants of that province in point of surrender and subjugation to the authority of this court, where unto that part in claim became prosperously reduced unto the power by the efficacy of the just right."[1] His complaint was in virtue a revelation of the methods employed in taking over the Provinces.

The Massachusetts addressed a letter of reassurance to the town of Wells upon the solicitation of John West in behalf of his townspeople. The General Court advised that should George Cleeves or his agents cause further disturbance

1. Col. Banks Notes, Archives. Pet. Robt. Jordan to General Court, Nov. 1, 1654.
Mass. Bay Records, vol. 4, pt. 1, p. 211, Nov. 1, 1654, case referred to County Court of York for settlement.

they should be seized and brought forth-with to Boston for trial.[1] Secretary Rawson enclosed the answer returned to Cleeves by the Court to "propositions" he had presented to that august body. The Massachusetts upon comparison of patents found theirs to hold precedency over that of Cleeves, hence "all grannts, orders, or combinations to, concerning, or of any persons within the sayd limitts, are invallid, nil & of no force or obligation uppon the consciences of any, nor is there any feare of imputation to any uppon that account."[2] The Court reasserted its determination to exercise its rights in the jurisdiction of the Province.

York and Kittery were ordered to build a road between them to Newichawanache, while Wells and Kittery were to cut a road between them to the same place. Thus the Massachusetts assured herself of a ready passage through the provinces. The commissioners, moreover, appointed for the year 1655, were empowered to take in all of the inhabitants not yet subjected by the Massachusetts.[3]

1. Maine Hist. Soc. Coll. 2d ser, vol.4, pp. 130-1, Doc.Hist.Maine. Letter to town Wells, March 19, 1655/66, Ed. Rawson, Sec.

2. Mass. Bay Records, vol. 4, pt.I, p. 250-1 -- Nov. 13, 1655. The Rigby title had been confirmed to Rigby by Parliament although the Massachusetts had in 1643 found it faulty.

3. Mass. Bay Records, May 23, 1655, vol.4, pt. 1, p. 225. Richard Bellingham, Mr. Samuel Symonds and Captain Wiggin with the associates of Yorkeshire were appointed to keep the court at Dover and the County Court at Dover.

On August 12, 1656, the inhabitants of Maine addressed a petition to the Lord Protector Oliver Cromwell, wherein they set forth their condition prior to submission and asked that they be continued under the government of the Massachusetts. They had learned of addresses made to him previously by gentlemen for the restitution of their right in the Provinces and they feared the outcome, should Cromwell decide in favor of them. Young Gorges had recently joined with Rigby in bringing a suit before the Committee of Plantations against the Massachusetts. The Massachusetts, they represented, had stifled royalist tendencies in the Provinces, and had supplied an orderly and godly government at the time when those gentlemen "who are now so solicitous for government over us " were "silent both in their tongues and penns. . . as not so much as (to) return us one syllable of answer or afford us the least assistance in government."[1] They then appealed to the Bay Colony to take them under her government, who, after the presentation of articles of agreement received them within her jurisdiction. They were satisfied that with the confirming of the Massachusetts Patent in the priority of its origin to other patents, the latter must fall before it in right of title and government. They recommended that the Reverend Mr. John Wheelwright,

1. Petition to Oliver Cromwell, Aug. 12, 1656 (Col. Banks' Notes).

then in England, would inform the Lord Protector further in regard to their present and past estate.

A letter from Edward Rishworth to Governor Endicott written two days after the drawing up of the petition reveals the fact that the Massachusetts had induced the writing of that petition.

Edward Rishworth, it is evident, was directly responsible in procuring the signatures to the petition, for he wrote, "I have not beene wanting although with some difficulty to draw together the consensus of the best part, I hope, if not ye greatest part of our inhabitants, for ye effecting of which being effected, will induce. . . to our future good." He spoke of having the Reverend Mr. Norton secure a minister for the people of Newichawanache, and of the need of such at Saco and Cape Porpus; the two towns proposed to pay 50 s. per annum with a house and other conveniences for the maintenance of a clergyman. A matter causing some discontentment in the colony was that concerning the order of the Massachusetts for the apprehension of John Bonithon.[1] He had refused to submit to the Bay Colony and in no uncertain terms, informed their commissioners of his position, "I decline to obey yor lawes becaus I am sworne to uphold and maintain the lawes of England established by the Parliament and this law confirmed by a

1. Maine Hist. Coll. ser. 2, vol. 4, p. 133, Aug. 14, 1656. Documentary Hist. State of Maine.

late commission from the Counsell of State. I would have you to knowe that I dwell in no land of y^{ors} becawes I have a Patten before you. I would have you to know that I will defend myselfe with my life, I am no Cochman but a G(entleman) borne as the best of you. I sall move when itt doth apere that the government doth belonge to you and that Mr. Rigby hath nothing to doe here, then I will obay yor law. . ."[1] The May session of the General Court issued a warrant for his arrest and ordered the constables of Saco to repair to his dwelling house, to seize him and bring him to Boston to answer the complaint "of John Stone for the beating of his servant," for "refusing to obey the County Court at Yorke in the year 1655 for the payment of Rates," and also "for his abusive letter to the Gennerall Court." Upon the refusal of any person to give aid to a constable in affecting his arrest, that person should be reported to the General Court which would take measures for his punishment. Mr. Rishworth suggested that the constable Mr. Raynes be given wider powers of authority and aid in the undertaking, for the men of Saco, he said, were afraid, "the truth is they dare not take him."[2]

Neither was Bonython to be apprehended for some years to come. He continued to trouble the Bay Colony with his

1. Maine Hist. Soc. Coll. 2d ser. vol. 4, p.130, Sept. 8, 1655. Documentary Hist. State of Maine.
2. Ibid. p. 134, August 14, 1656.

sallies of defiance and the commissioners were admonished in May, 1657 to take effective measures for bringing him to justice.

The petition to Cromwell bore 72 signatures. All of these had signed to the submission; according to towns they were:[1]

Yorke	Kittery	Wells	Saco
Abraham Preble	Robert Waymouth	Sam. Austine	Thos. Williams
John Alcocke	Nicholas Frost	Jn. Gouch jr.	Robt. Booth
Edward Johnson	Charles Frost	Jn. Gouch Sr.	Rich. Hitchcox
Francis Raynes	Humphrey Chadbourne	Wm. Hammon	Ralph Tristrum
Peter Wyre	Hugh Gullison	Ezek. Knight	Rich. Coman
Hen: Norton	Thos. Spencer	Jno Barret Sr.	Wm. Scadlock
Will: Dixon	Abraham Conley	Henry Boad	Henry Waddock
Robert Knight	Thomas Jones		Jno West
Henry Donell	Robert Mendum		
Silvester Stover	Jno. Diamont		
Joseph Emerson	Nathaniel Lord		
Thos. Wheelwright	John Smith		
John Alcocke			
John Davis			
Nich: Davis			
Sampson Angier			
Richard Bankes			
Thos: Courtous			
John Twisden			
George Parker			
Jno. Parker			
Phillip Hatch			
Sam. Twisden			
Edward Rishworth			

Cape Porpus
Wm. Renolds
Morgan Howell
Gregory Jeffrys
Griffin Montague

Adding to these such as had not signed to the submission we have the following:

Yorke	Kittery	Wells	Saco
Roger Plaisted	Walter Newall	John Leighton	Mich. Bully
Robert Wyre?	James Heard	(Seth) Fletcher	Rob. Wadly
Wm. Hackett?	Miles Thompson	Ed. Clark	Roger Hill
	Dan. Goodwin	Mich. Cole	
	Henry Symons		
	Wm. Symons		
	Wm. Spencer		

1. Maine Hist. Coll. pp. 296-8, Aug. 12, 1656. Documentary Hist. State of Maine.

By the spring of 1657 the Massachusetts again pressed forward her claims in the Provinces. The General Court ordered that Mr. Bradstreet, Captain Wiggin, Captain Gookin, and Major General Dennison with the other commissioners appointed to keep the County Courts at York , Dover and Hampton were to take steps for the taking in of the eastern settlements under the Massachusetts government.[1] They addressed a letter to Mr. Josselyn and Mr. Jordan informing them that she had received complaints for want of government east of Saco, and had heard of attempts to disturb the peace of the people of Saco and Wells which she had "winked at," expecting a final compliance especially after the answer she had made to the propositions and demands of George Cleeves. She reminded them of her claims upon the eastern territory on the strength of an authoritative survey, and of their failure to meet her commissioners at Yorke in the spring as commanded; she expected that they would meet the new commission which was being ordered into the Provinces in the summer.[2]

Jordan and Josselyn, however, ignored the summons both of the court and of the commissioners to aid in the submission of the regions eastward: Black Point, Blew Point, and Casco Bay, whereupon the Massachusetts ordered that they with the inhabitants of those parts should appear in Boston to

1. Mass. Bay Records, vol. 3, p. 429 -- May 6, 1657
   Ibid. vol. 4, pt. I, p. 298.

2. Ibid. vol. 4, pt. I, p. 306 -- May 15, 1657.

give submission. Neither the principals nor the inhabitants appeared at the Court; only a petition was tended, subscribed by George Cleeves, in which he declared against the legality of the Court proceedings and asserted the refusal of the inhabitants to submit to the Massachusetts.

The Massachusetts replied to the effect that she should not be held responsible for any damages that should result from a lack of government in those parts and that she would herewith cease with a further prosecution of the business.

The Massachusetts was not satisfied to allow matters to rest, however, and in the next spring the Court ordered Mr. Samuel Symonds and Captain Wiggin to join with the County Court of York in bringing the business to an end. The Court was constantly hearing of disorders in those parts of Yorkshire and petitions were being addressed to her for aid.[1] Among these was one brought to the General Court by Francis Neale of Spurwink in behalf of a number of his neighbors; they requested that the Massachusetts conclude the business of their submission.[2]

On June 11, 1658, the Marshall of the County of York

1. Mass. Bay Records, vol.4, pt. 1, p. 338 -- May 26,1658.

2. The signatories to this petition of April 26, 1658, were:

Richard Bray	John Hollman
Henry Webb	Bengemen Stievens
James Lane	
John Cusseus	
William Ryall	
Henry Maine	

was ordered to summon the inhabitants of those places to meet at the next county court at York in order to submit themselves to the Massachusetts jurisdiction.[1] The commissioners adjourned the Court at York[2] to the home of Robert Jordan at Spurwink and these summoned the inhabitants to appear. After much deliberation as in the former places, the inhabitants of Black Point, Blew Point, Spurwink and Casco Bay submitted. They were granted the privileges enjoyed by Dover, Kittery and York upon their submission, the submission of the newly received towns being valid only with the pleasure of the powers in England. The civil privileges which were granted were not subject to change by any religious difference, the latter being regulated

1. G. Folsom, Documents, p. 40, June 11, 1658.

2. Me. Province & Court Records, Vol. II, p. 65 (2:19) "The Court adjourned from York July 8, '58 to the house of Rbt. Jordan at Spurwinke the 12th day of that instant July, 1658."
Mass. Bay Records, vol. 4, pt. 1, p. 357 -- Oct.19,1658.

York Deeds, Part 1, Fol.78
July 13th, 1658

Wee the Inhabitants of Blacke Poynt, Blew Poynt, Spurwinke, & Casco Bay, with all the Ylands ye unto belonging, do owne & acknowledge ourselves to bee subject to the Govert. of the Massatusetts Bay in New England, as appears by our pticular subscriptions, in reference to those articles formerly Granted to Dowere, Kittery, & Yorke, which are now granted and confirmed unto us togeather with some Additions as vpon record doth appeare

Francis Smale	Andrew Broune	Hen: Jocelein
Nicho Whitte	Michaell Maddiver	Geo Cleeve
Tho: Stamford	Tho Jamott	Robert Jordan
Robert Corbine	Jo^{n} Tynny	Jo^{n} Bonighton
Natha^{l} Wallis	Geo. Lewis	Richd Foxwell
Jo^{n} Wallis	Jo^{n} Phillips	

(con. p. 139)

by penal laws. Black Point, Blew Point and Stratton's Islands were to be called by the name Scarboro, the bounds which were to extend from the town of Saco on the west along the river Spurwink and eight miles inland. What were called Spurwink and Casco Bay from the harborside of the Spurwink River to Clapboard islands in Casco Bay were now to be called Falmouth. Scarboro and Falmouth were to have commissioners' courts to try cases under the value of fifty pounds. The two towns were to send one deputy yearly to the court of election and if desired two deputies.[1] Because of the remoteness of these places from Boston, the seat of the commonwealth, with the consent of the inhabitants, commissioners were appointed from among them to regulate court affairs for both towns. They had power to try cases without jury not exceeding the value of £50 and also magistratical power to hear of a civil or a criminal

1. Mass. Bay Records, vol. 4, pt. I, p. 359. July 14, 1658.

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Foot note 2 continued from p. 138:

Arthur Angen	George Taylor	Hene: Watts
Ambros Boden Sr.	Nicho: Edgcom	Fran: Neale
Samuel Oakeman		Abra: Follen
Jonas Balie		Ambrose Boden
		Michael Mitton
		Rich[d] Martine

Every of these psons as aboue mentioned, which have subscribed to this wrighting, have further by oath taken in Court Ingaged themselves to this Authority of the Massachusetts at the date hereof July 12, '58.

nature, and to "graunt warrants, somons and executions if neede require, & have power to examine offenders and comitt to prison." The also had the power "to commission officers under the degree of captain, solemnize marriage and graunt letters of administration and receive probates of wills." The commissioners appointed were Henry Josselyn, Mr. Robert Jordan, Mr. George Cleeves, Mr. Henry Watts, and Mr. Francis Neale. Of the three commissioners required to make a quorum in the administration of legal affairs in the said towns Mr. Henry Josselyn or Mr. Robert Jordan were always required to be one of the three; for Saco and Cape Porpus, Captain Nicholas Shapleigh was to be one; for Wells, Mr. Abraham Preble. These gentlemen together with Mr. Edward Rishworth were to have full magistratical power in the whole county of Yorkshire for one year. Five associates were to be elected to the county courts which were to be held yearly at Saco or at Scarborough as hitherto had been done at York.[1]

It is noticeable that in the establishment of government in Maine as in New Hampshire, the Massachusetts set into positions of influence those who were formerly her opponents, Josselyn, Jordan and Cleeves. In maintaining her jurisdiction in the county of Yorkshire which included both the earlier provinces of Gorges and Rigby, the Massa-

1. Mass. Bay Records, vol. 4, pt. 1, p. 360-1. Oct.19,1658.

chusetts opened her courts to litigants in land suits. Thus, she reconciled to her interest those who for land reasons opposed her. And thus, it appeared, the Massachusetts had at last accomplished her designs for the envelopment of the northern provinces; under the pretext of her boundary rights she had engaged the lands of Mason and Gorges and had now at length replaced the governments of the earlier proprietors with a jurisdiction of her own.

The years 1659, 1660 and 1661 were particularly profitable of returns for those who had served the Bay Colony in her usurpation of the government of Maine.

Section VI

THE RESTORATION OF THE GORGES GOVERNMENT IN MAINE, 1660-1665.

In May, 1660, Charles II was restored to the throne of England. The restoration of the monarchy brought with it a complete change in the current of affairs in New England. Immediately the heirs of Mason and Gorges applied to the Parliament for a restitution of their rights in the new world. In 1659 they had made an appeal to Parliament under the Commonwealth in the form of a joint petition drawn up by Edward Godfrey, Oliver Godfrey his son, Ferdinando Gorges, grandson of Sir Firdinando, Robert Mason, Edward Rigby, Henry Gardiner and other patentees and inhabitants of Maine and Lygonea; the Massachusetts through the offices of Mr. Leverett, her agent in England, was able to override their complaints by representing them as being royalist and traitors to the Republic.[1] Robert Mason, grandson of John Mason, found it an opportune time to present his complaints to the King. He asked for the restoration of New Hampshire, a tract of 10,000 acres east of the Sagadahock. Sir George Palmer, attorney-general to the King having examined the title and claim of young Mason, concluded, "John Mason, Esq. grandfather of the petitioner by virtue of severall grants from the said Councill of New

1. J. S. Jenness, Doc. 43

England under the Common Seale bearing date March 9, 1621, Nov. 7, 1629 was instated in fee of sundry great tracts of Land in New England by the name of New Hampshire" and that "the petitioner Robert Mason. . .grandson and heir to the said John Mason hath a good and legall right & title to the lands above conveyed by the hame of New Hampshire."[1] Another, Godfrey had served the country for 25 years as governor of the Province until he had been ejected by the Massachusetts. He declared that the "Pascattowaie River & the puince (province) of Mayne is of more conscernement to his Ma ty for trad p sent and ffutur with discouery of the cuntery then all New England beside."[2] The petitions of these disputants to title were referred to a legal committee of the Council for Foreign Plantations, which upon examination of the evidence reported to the King that they had found Captain John Mason and Edward Godfrey to have been"in quiet possession of the lands for years" and to have "expended vast sums." Edward Godfrey, who had been governor

1. E. Hazard, Hist. Coll. State Papers, Vol.II, p. 576, Nov. 8, 1660.

2. J. S. Jenness, p. 43. March 14, 1661.
His petitions of July 15, 1660 -- dated Feb. 19, 1661 -- informs in regard to Cooper's Hall, usurpation of Bostoners, etc.
On October 8, 1661, Godfrey addressed a letter to John Winthrop again complaining over his losses. He requested that Winthrop visit him as soon as might be at Ludgate Prison where he was an inmate, and "Mr. Mavericke to doe the like; it may be worth this labor." (Mass. Hist. Soc. Coll. 4-7-380).

of the Province of Maine for 25 years "with much reputation of integrity of Justice," had "not not only been turned out of said place of government but hath been ousted and dispossessed of his lands and estates, in that country which the Inhabitants of the Massachusetts have forcibly seized and still do detayne the same from him." The Massachusetts up to 1652 had been satisfied with the extent of her lands to a point 3 miles beyond the Merrimac, as evidenced by the placing of a bound house; "then they stretched their boundaries and have encroached upon plantations & inheritences of petitioners. . . and by menaces and armed forces compelled them to submit to their usurped and arbitrary government." In short, the Massachusetts had attempted to set up a commonwealth.[1] Captain Breedon testified to the nature of affairs in New England as they appeared to him

1. E. Hazard, Hist. Coll. vol. II, p. 577 -- Nov. 17, 1660
The Committee of Examination made up of 7 members:

Robert Mason	Thomas Povey
Ja. Bunce	G. Sweet
John Exton	Rich. Lord
	John Nyles.

This was but a small part of the Council for Foreign Plantations, incorporated after the restoration for the purpose of inspection of the Colonies with an eye to their future regulation. It was made up of 35 members -- any 5 members could institute themselves a committee of investigation with full powers for examination. First meeting held Jan. 7, 1661 -- they turned to New England first. Council made study of material presented, in report never made public, found Mass. at fault. The report & letters to Mass. was read at Board meeting May 17, 1661 -- laid aside. A Committee of Council of State app'ted to investigate. Sept. 1662 matter resumed; Clarendon promised action; April, 1663 King declared same; April 1664 King app'ted commission to go to New England.

before his removal thence in 1660. He found the Massachusetts to have been most antagonistic to the recovery of the royal power; the magistrates there sat in council, for a week in December last, before they could agree to acknowledge the King's sovereignty, "so many (were) against ouning the King or having any dependence on England." He questioned the sincerety of the Massachusetts' petition to the King; they had not then proclaimed Charles II King, nor were they accustomed to give an oath of allegiance, or to act in his name; they administered to the freemen an oath of fidelity unto themselves, the latter alone, being able to share in the military or civil affairs, although two-thirds of the soldiers were non-freemen. He advocated the speedy subjection of New England to the King.[1] Samuel Maverick in a letter to the Earl of Clarendon declared that the English in New England were a "great and considerable people, but ye sooner reduced the better." All of these, including the Massachusetts and Sir Ferdinando Gorges claimed patent rights from James I or Charles I together with one during Cromwell's time to Colonel Rigby. Rigby through his agents set up such a contention for recognition of his authority that while they were arguing among themselves in Maine, the Massachusetts came along and "swallowed them up all." Maverick urged care in the subjection of New England;

1. N. Y. Coll. Documents, III, pp. 39-41. March 11, 1661. John. R. Brodhead, Editor, 1853.
N. Sainsbury, Calendar State Papers, #45.

that they be allowed religious freedom to a large measure and freedom from an excess of taxation.[1]

In April, 1661, Ferdinando Gorges, grandson of Sir Ferdinando, addressed a pettion to the King for the recovery of his property. He declared that "the Mathewsits taking advantage of the late rebellion having, during wich time you peticoner dust not assert his right to the said premisses, without any couleur of right encroacht upon all or upon the greatest part of the said premisses discended unto yor peticoner firk his grandfather. . . and that severall other persons, who in trueth at most were but tenants under some yearely rent and other services unto some small and inconsiderable part of the said premisses under yor peticoners grandfather, doe now clayme the same as Lords and proprietors."[2]

On the following December, a public meeting was called at Wells for the purpose of reinstating the government of the Gorges heir in accordance with an order published by him on May 23 preceding. A number of resolutions were ac-

1. Samuel Mavericke to Earl Clarendon. N.Y. Hist. Soc. Papers 1869, p. 21, March, 1661.

2. G. Folsom, New England Papers, pt. 1, vol. 1, p. 51, April 4, 1661.
Ferdinando Gorges asserted claim to province through his trustees beginning with the 8th of August, 1661. Jocelyn, Jordan and Shapleigh were leaders in the movement for the overthrow of Mass. government and reinstatement of Gorges!

cepted, among them the following.

1. To proclaim King Charles II throughout the province in a certain specified way.

2. To search out arrears of rent.

3. Each town to elect one trustee to make the laws for the ordering of the province, the clerk of writs to grant attachments in the name of the King and under authority of Ferdinando Gorges.

4. Notice to be given to the province that the commissioners have taken unto their hands all rents and properties of Ferdinando Gorges and there be no further intrusion of their rights. Steps were to be taken for procuring custody of all the court rolls, books and writings for his use.

A public assertion of the rights of the proprietor was to be made to the Massachusetts with all speed.

5. The rights and privileges of both the proprietor and the free holders to be rigorously observed.

The laws of England to be observed.

All civil and military authorities were to continue in the exercise of their powers until further order.

Major Nicholas Shapleigh to command the militia.

Henry Josselyn and Robert Jordan appointed commissioners with full power to act for Gorges. Francis Champernoune, Henry Josselyn, Nicholas Shapleigh and Robert Jordan acting as trustees to the Ferdinando Gorges government signed the

report of this meeting.[1]

There were virtually two governments functioning in Maine -- that of Gorges and the Massachusetts which persisted in asserting its authority in the Province.

On January 20 a warrant had been issued by Henry Josselyn and Robert Jordan instructing that notice be given to the inhabitants to bring to the court at Wells on May 25, all deeds, and other legal documents by which they claimed property within the Province between the Pascataqua and Sagadahock, along the coast to the Kennebec, 120 miles inland.[2] Another warrant had been issued to the marshal of the Province for the surrender of all public papers in the hands of Edward Rishworth, Mr. Michael, Godfrey or of Roger Gard; George Cleeves, Richard Tucker, Francis Neale and others. Marshal Masterson seized the writings in Rishworth's hands and delivered them to Champernoune on March 21. By May 15 it was recorded that he had delivered all others he had learned of to Champernoune as well.[3] The freeholders of the Province were ordered to hold town meetings before the 31st of March next for the election of one of their ablest men to attend the Province Court at Wells on May 25 next.[4]

1. G. Folsom, Documents, p. 40.
2. Ibid. p. 42. -- Wells. Jan. 30, 1661-2.
3. Sainsbury, 255, p. 80. 1660-74. March 11, 1662.
4. G. Folsom, Doc. p. 42, Wells, Jan. 30, 1661-2.

The Massachusetts, having previously by order of the General Court invoked her authority over them,[1] sent Major-General Dennison, Major William Hawthorne and Captain Richard Waldern into the Province to be present at the court to be held at Wells in the latter part of May and again to require the inhabitants and the trustees Jósselyn, Jordan and Shapleigh to return to their allegiance to the Massachusetts government.[2] They communicated with the trustees of the Gorges government and protested their "late acteings as injurious to the authority of that Court and tending to the disturbance of the inhabitants of Yorkeshire, and . . . require(d) them to return to their subjection and obedience to the Court of the Massachusetts according to the articles subscribed at Kittery, Yorke, Wells and Spurwink[3] and (to) dissolve this assemblie called by ye owne authoritie." They called a counter court at Wells on the 27th of May which met at the house of Francis Littlefield,[4] the authority of which was immediately protested by the Gorges trustees.[5]

There were still many people in the Provinces in

1. Maine Province & Court Records, vol.II, p.111, July 1, 1661.

2. Documentary History of Maine, vol. 4, ser. 2, p. 173, May 17, 1662.

3. G. Folsom, Doc. p. 44 -- May 27, 1662.

4. Maine Hist. Soc. Coll. ser. 2, vol. 4, p. 244, May 27, 1662. Documentary Hist. of State of Maine.

5. Ibid. p. 243, May 27, 1662.

favor of the Massachusetts government there, hence the Gorges trustees were not wholly unrestricted in the exercise of their authority. Hence it was agreed, upon conference of the rival groups, that a joint government should be entered upon for the time being, and that Nicholas Shapleigh, Captain Waldern and Captain Pike were to hold a court at Yorke on the first Tuesday of the next July for hearing and determining all civil and criminal cases. To Edward Rishworth were to be delivered all of the law books and records of the Province, and he should afterwards upon demand give them up to the newly elected recorder of the Court. In this way, the Massachusetts was able to retain her hold upon the Province and to bring within her grasp the valuable public records.[1]

On July 6 the Court ordered that Francis Neale who was Secretary of the Gorges government, with the aid of Robert Jordan should prepare a summary of all acts passed by the Gorges trustees beginning with August 8, 1661, the date of inception of the Gorges regime. Rishworth was called upon to give up to Secretary Neale the records which pertained to this period; he refused to do so on the ground that he had had no orders for the act from either Josselyn, Shapleigh or from Pike or Waldern.[2] Rishworth was one of the

1. Maine Hist. Soc. Coll. ser. 2, vol. 4, p. 245 ff., Doc. Hist. Maine Province & Court Records, vol 11, p. 112.

2. Maine Doc. Hist. vol. IV, p. 250 -- July 7, 1662. Court met July 1, 1662. Rishworth was not there -- a Massachusetts trick.

Massachusetts faction in the Province, and having accomplished the ruse of getting the records back in his possession he was resolved by no means to allow them out of his hands again.

During all of this time the Massachusetts had been notoriously lenient in her handling of her unruly subjects in the Province. She was thoroughly enraged with the deliberate insolence of the provincial revolutionaries, but was helpless to act. As a last threat she wrote to the Gorges commissioners -- "Gentlemen, you have made to Large a progress in these disorderlie Actings wherein if you shall continue to ye disturbance of ye kings peace you will inforce us to change our stile."[1] Thomas Purchas had by this time joined Josselyn, Jordan and Shapleigh in defiance of the

1. G. Folsom, p. 43.

May 21, 1662, Wells.

Names of the Trustees:

Leeftent Willm Phillips Speaker
Mr. George Munjoy
Mr. Edward Rishworth
Humphry Chadborn
Richard Nayson
Mr. Will. Symonds
John Sanders
Arthur Auger
Thos. Haynes
Walter Mathews

In relation to what you sent us we have nothing to say.

Will. Phillips, Speaker
Francis Neale, Sect.

Massachusetts. In December Richard Waldern wrote to the Governor describing the length to which civil disorder had gone. At the Court at York held in the previous summer, Major Shapleigh had protested outright against the Massachusetts interference in Maine, whereas Mr. Josselyn was afterward said to have declared that "they would try whether the Masatusetts would or durest medell with them." They were most insulting to those "that doe sticke close to the bay which is allmost all especially the better part." He accused Major Shapleigh of harboring the Quakers who came into the provinces. Most recently, the Major interrupted the process of a town meeting called by the Massachusetts by his violent seizure of the constable of Kittery who had on his person the warrant for publication. Captain Waldern urged that "such insolent sperets may be crushed or elce the good pepell of the Contry and those that have stood Close to your government will be utterly undone and likewise a harbor for all Rogs in the Contry and our towne (Dover) will be soe disturbed with the quakers and others that we shall hardly be at peace."[1] Daniel Goodwin, the constable mentioned, petitioned the General Court for assistance in his predicament of being imprisoned by James Wiggin, the province marshal under orders from Major Shapleigh.[2] George Cleeves, who was on the side of the Massa-

1. Maine Hist. Soc. Coll. ser. 2, vol. 4, p. 183. Dec. 1662. Documentary Hist. State of Maine.
2. Ibid. p. 184. Dec. 10, 1662.

chusetts also wrote to the General Court for advice about matters of political importance to that power. Mr. George Monjoy and he had intercepted a warrant for a town meeting of the Gorges government which it appeared was to countermand one to be held by the Massachusetts about the same time. Josselyn was accused of interrupting and destroying all of the warrants which were sent out by the Massachusetts for the holding of a recently called Province meeting; the Massachusetts, it was rumored, had deserted Falmouth and Scarborough and in fact all of Yorkshire. It was reported that Mr. Josselyn expected daily the arrival of Mr. Mavericke and four commissioners from the King to countermand the authority of the Massachusetts in the Provinces. Mr. Josselyn and Mr. Preble had been elected associates, but had refused to take the oath and their places; Mr. Rishworth and Mr. Chadbourne had accepted the office and Mr. Monjoy was willing to submit to the oath of fidelity to the Massachusetts upon the tendering of the place to him. Cleeves' account of affairs in the Province indicates the enfeeblement of the Massachusetts authority there. One more complaint which demonstrates this to perfection was one directed to the General Court by William Croune, a resident of the Province who had been unsuccessful in carrying through a suit against Jordan and sought relief from the General

1. Maine Hist. Soc. Colls. ser. 2, vol. 4, p. 182. Documentary Hist. State of Maine.

Court. In his own words the case was that "yor petition^{r} hath used all meanes possible to procure a tryall at Law with the said Jordan & Sanford at Yorke to his great charge allready, and seeing that the Marshalls cannot and Constables dare not serve Attachmts upon him, there is no other place for reliefe of yor petition^{r} but by this hon^{r}d Court."[1]

The Jordan versus Cleeves case was still before the Courts for settlement. Jordan it will be remembered had with the permission of Cleeves and others of the magistracy settled the Winter estate in his own favor. In 1659 he revived the Winter claims against the Trelawny estate, thereby opening up the former controversy over the title to the Machegonne. Both Jordan and Cleeves were commissioners for Scarborough and Falmouth at the time, and Jordan was also magistrate for the whole County of Yorkshire. Cleeves met Jordan's claim by entering a breach of bond against him and then an action of interruption for demanding "certen lands purchased by great somes of money & possessed by order of former grants these 27 years."[2] Jordan produced the deposition of one Roger Williine taken on December 7, 1658, to substantiate him in his continued insistance that the Presumpscot River was the Casco. He won both this case

1. Maine Hist. Soc. Colls., vol. 4, ser. 2, p. 175. Oct. 16, 1662. Documentary Hist. State of Maine.

2. Maine Province & Court Records, vol. II, p. 72. July 4, 1659.

and another for a debt amounting to £10 10 shillings. Cleeves was unsuccessful in a number of other suits he brought into the Court and realizing that he was being subjected to injustice he refused to answer suit. Because Jordan and others hostile to him were candidates for the magistracy, he refused to vote, He and other of his adherents were indicted for their contemptuous behavior: Cleeves for saying if the people would vote for Mrs. Clarke to be a witch he would vote; Joseph Phipenny for "flinging Jordan's votes to the ground" and "for casting aspersions against the magistratical authority" and Henry Watts for his "scandelous" behavior toward the magistrates and the Governor of the Massachusetts.[1] Cleeves placed his suit for interruption before the General Court, hoping for a more favorable conclusion.

The Jordan versus Cleeves case caused a great deal of uncertainty and consternation in the Province; land values were greatly depressed and Cleeves sold his lands at any figure they would bring. The inhabitants of Falmouth on May 30, 1660, addressed a petition to the General Court seeking their intervention for, quoth they, "iff that Mr. Jordenes paten and claime hould with Mr. Cleaves the toune is over trowen and noe man shall injoy what hath labored

1. Maine Province & Court Records, vol. II, p. 84 ff. July 4, 1659.

upon and possesed ounley it be uppon ther teremes and at ther wiles and pleasures."[1] A commission was appointed by the General Court to inquire into these varied complaints, and it was concluded in October that because Mr. Cleeves had failed to show evidence for his claims, no return could be made and it was resolved that the townspeople of Falmouth were not to dispose of any of the lands lying within the bounds or patent of Cleeves until further order be taken.[2]

The General Court in answer to Cleeves' petition for redress ordered Henry Josselyn, Captain Brian Pendleton and Captain Richard Waldern to examine the complaints of Cleeves, to secure witnesses and to do whatever else was necessary to conclude the case.[3] The General Court in October referred the case back to the County Court at Yorke[4] before which the causes for complaint were unfolded.[5] Cleeves had in the last year suffered more atrocities at the hands of Jordan, who in his endeavour to collect the damages which the law had allowed, having sequestered his two cows, had

1. Maine Hist. Soc. Coll. ser. 2, vol. 4, p. 160 -- May 30, 1660. Documentary Hist. State of Maine.
2. Mass. Bay Records, vol. 4, p. 435, Oct. 16, 1660.
Members of the Commission: Humphrey Atharton
Capt. Thomas Savage
Capt. Edward Johnson
Capt. Thos. Clarke

3. Mass. Bay Records, vol. 4, pt. II, p.11, May 22, 1661.

4. Ibid. p. 70, Oct. 8, 1662.

5. Maine Hist Soc. Coll. vol. 4, ser.2, pp.176-6, Oct. 24, 1662. Documentary Hist. State of Maine.

thrown from Cleeves' house all of his household furnishings, clothing, chest, trunks and provisions to the loss of about £100 through breakage and spoliation, had stolen his kettle and potts and had deprived his sick wife of bed and bedding. The County Court came to no agreement and upon further petitioning by Cleeves the case was referred to the Associates for a hearing.[1] In 1664 the last of the trouble was heard when the case was filed in the Yorkshire County Court.[2] The Massachusetts had no intention of ever settling the bone of contention in the Province when by so doing her own power would in any way be limited. She played Jordan against Cleeves when that course of action best suited the occasion; when the Gorges cause came to the top again with the restoration of the monarchy she refused either to satisfy the followers of Cleeves or to antagonize further the supporters of the Gorges government. Until she had worked her way into the good graces of the King, it would not do to more than enforce order in the Province.

In 1662 a petition was taken to the General Court which was in the nature of a challenge to her authority. in the Province. The petitioners taunted the Bay government with not enforcing her power against the Gorges government. It asked them to make good their talk with

1. Mass. Bay Records, vol. 4, pt. II, p.94, Oct. 21, 1663.
2. Ibid. p. 103, May 18, 1664.

force and to protect the people of Maine in supporting their authority. Those signing this petition were the following:

1662

Petition to General Court Mass. agnst. Gorges Comm.-

Edw. Rishworth	Nicholas Greine
Nich. Davis	Robert Jenkin
George Parker	Peter Weare
Arthur Bragdon Sr.	John Allcocke
Hene. Sayward	Richard Bankes
Mathew Austine	Hene. Donell
John Twysden	Norman Curteus
William Johnson	Thomas Mowlton
John Smyth	Nathaniel Maysterson
Thomas Bragdon Jr.	Silvester Stover
Arthur Bragdon Jr.	Thomas Donell
James Grant sr.&jr.	Wm. R (aus)
Andrew Everest	John Pearse
Alexander Maxell	
Alexander Machaneer	

This petition taunts Mass. Bay with not enforcing its powers agnst Gorges govt. Asks them to back govt. & talk with force & make good their promise to protect the people of Maine in supporting their authority.
(Col. Bank's Note)

In answer to their challenge the Massachusetts appointed another commssion to go into Yorkeshire to hold the Court there. The General Court ordered that the inhabitants return to their former allegiance to them and that all officers of the Massachusetts return to their places of duty. The Court moreover removed Nicholas Shapleigh from his place as Major over the militia, giving the commission to Captain William Phillips of Saco who was to assume the further ordering of the militia for the County

of Yorke.[1]

At the court held on July 7, 1663, over which these commissioners presided, steps were taken to bring the rebels in the Province to account. James Wiggin was found guilty of profanity, thus "if his dish of fish was poyzon, he would carry it to the Bay Magistrates." He protested against the Massachusetts jurisdiction and that he was a magistrate of the Gorges government and that the Massachusetts commission had no right to try him. William Hilton was found guilty of tearing up a special warrant sent by Secretary Rawson to Kittery for sending a deputy to the General Court. Thomas Booth was presented by the grand jury and found guilty of slandering the country by saying that the "Bay magistrates were a company of hypocritical Roges, they feared neither God nor the King." Robert Jordan was presented for saying that "Mr. John Cotton deceased was a lyar and dyed with a ly in his mouth and that he was gone to hell with a pack of lyes and that John Cotton's books were lyes, and that he had found them so." He was further indicted for saying "that the Governor of Boston was a Roge and all the rest thereof were trators and Rebells against the King." George Cleeves was witness to the fact that

1. Mass. Bay Records, vol. 4, pt. II, p. 75 -- May 27, 1663.
The commissioners were Thomas Danforth, William Hawthorne and Eleazer Lusher.

Jordan had broken the oath of fidelity to the Massachusetts, that he made frequent use of profanity, he was noted for being "an usual Lyar" and for "rai ing and fomenting lyes." Thomas Stamford was presented for being a "common swearer and a drunkard" and for having broken his oath of freedom and fidelity. Francis Hooke was found guilty of disturbing the peace when, in Church upon the exhortation of Mr. Fletcher, the minister, in comment upon the two governments under which they resided, got up and answered the minister that they were living under Mr. Gorges' government and that he (Mr. Hooke) acted as commissioner under the one government. Mr. Richard Nayson, Abraham Conley, Nicholas Hodgsden and his wife, John Heard and his wife, James Heard and his wife, were all fined for not attending the public services on the Sabbath. They were all Quakers. James Wiggin was presented for molesting the Marshal of York , Nathaniel Masterson, and the constable of Kittery, Daniel Goodwin; also for tearing down a warrant put up by the constable of Kittery. Captain Francis Champernoune, Mr. Henry Josselyn, Mr. Robert Jordan and Mr. Nicholas Shapleigh were presented for acting against the Massachusetts authority, renouncing that authority and subverting it under the pretence of power from Esquire Gorges. Nicholas Shapleigh, John Shapleigh, John Symmons, Michael Thompson, John Heard, James Heard, Christopher Ramacke, Robert Wadleigh were presented for

having neglected to elect officers. George Ingerson of Falmouth was found guilty by the County Court of neglecting his duty in not exercising the soldiers for a year and a half's time. Captain Francis Raynes was removed from his military position of exercising the soldiers for a year and a half past. Captain Raynes, Lieutenant Davis, Mr. Nicholas Davis, William Moore, Samson Anger, Philip Adams, and Philip Hatch were charged with having neglected to vote according to their oath for governor and other officers of the commonwealth. Edward Colcord was complained of by Major Lusher for libel of Captain Wiggin, as was Francis Small who had said that Cleeves was a traitor and had said the King was "an atheist, a papest, etc."[1] Precautions were taken by the Court against the further disturbance of peace and attempted separation from the Massachusetts by enacting a law whereby offenders were to be apprehended by any of the associates of the County and to be "convayed to the pryson at Boston, there to remayne in safe custody untill lawfull authority shall Call them forth to Legall tryall to give Accompt of his or there offence or offences." The inhabitants who had hitherto acted "peaceably and civilly" upon the orders of the Gorges government were discharged from any question, presentment or legal proceeding in

1. Libby Province & Court Records, County Court, Bk. I, vol. II, July 7, 1663.
The Grand Jury was made up of the following:

Peter Weare	Nich. Frost	Samuel Austine
John Twisden	Thos. Withers	Robert Booth
Mathew Austine	John Andrews	Phineas Rider
Job Allcocke	Mr. Will. Symonds	Free. Norton.

respect to their acceptance of that government. An election was to be held for a Sergeant-Major of the militia for the County and all of the eligible voters were to cast their votes. This last rule was in a sense a test rule to determine the state of obedience of the individual voters in the County. Taxes had fallen into arrears in the County of York and it was ordered that constables and marshal collect the public rates. The Associate Court was directed to take over all presentments not yet acted upon and future delinquencies with the exception of the cases of Josselyn, Shapleigh, Champernoune and Emerson. George Cleeves and Joseph Phippeny were elected commissioners for Falmouth; Scarborough was directed to choose three commissioners.

The County Court of the next year continued the regorous prosecution of political disturbers. Robert Jordan was now noticeably unfortunate in his many lawsuits; in each case wherein he was plaintiff, Captain William Phillips, Henry Williams, George Cleeves for unjustly detaining a sow, John Phillips, for detaining 3 cows, and John Wallis, defendents, costs of court and damages went invariably to the latter. The Court was plainly not one of justice but rather of intimidation. Two other criminals to be presented before the Court were Jeremiah Sheeres and Thomas Crawley. Sheeres was quoted as saying that Rishworth was going to the eastward to deliver the people and to speak treason against the King; he was also held for

not attending public worship. Thomas Crawley was brought before the justices for being a common swearer and drunkard, besides not appearing at the public worship on the sabbath day. The list of offenders was considerably smaller in 1664 than it had been in 1663, the revolution against the Massachusetts having pretty well subsided.[1] This was the last session of the County Court to be held under the authority of the Massachusetts until 1668 -- the long anticipated royal commission, having made its appearance in New England, in another year the government of the Province was taken over by the commissioners of Charles II, and the courts functioned under justices of peace appointed by them.

The Massachusetts had taken less violent measures, as well, to recover her power in the Province. In 1663 she granted all of the island including Richmond's Isle to the town of Falmouth, to be governed by that town and moreover she confirmed to the tertenants nearly all of their lands, allowing the legality of lands purchased from the Indians.

1. Libby Province & Court Records, County Court, Bk. I, vol. II, July 5, 1664.

The Grand Jury:

William Hummond	Rich. Banks
Samuel Wheelwright	Thomas Curtis
Andrew Broune	Morgan Howell
John Allcocke	Joseph Phippeny
John Andrews	Robert Corben
Wm. Spencer	John Cloyn
Rich. Abbott	

It was hoped that, factious spirits within the Province could thereby be pacified.[1] Nicholas Shapleigh and Francis Small had made large purchases along the Ossipee River which they continued to hold under Indian deed.[2]

Beginning in 1661, the Massachusetts had taken particular pains to establish an able ministry in each of the provincial towns. Although the Massachusetts had made rich promises of such favor upon the submission of the towns, no progress had been made until it became politically requisite. In 1661 it was decreed that the towns of Yorkshire were to procure ministers and in their failure to do so, the Massachusetts would act upon her authority to provide for their deficiency. This the Massachusetts was obliged to do, appointing William Hammond and Ezekiel Knight to the Ministry at Wells, John Bush to supply the vacancy at Cape Porpus. By means of an understanding and friendly ministry she hoped to incline those to her favor who required only the benefit of proper teaching.

On June 25, 1663, a month before the County Court met, the Massachusetts had taken positive legal measures for gaining absolute proprietorship of the Province. Daniel Gookin in a letter of that date wrote to Ferdinando

1. Province & Court Records, Vol. II, p. 136.
2. Williamson, Maine, p. 405.

Gorges suggesting the sale of the Province to the Massachusetts. He related the chief items of interest the Massachusetts had in the Province of Maine; the fact that the inhabitants there, "wearied with anarchy among themselves (had) made their earnest application unto the jurisdiction of the Bay for protection and government and accordingly were accepted, submitting and swearing fidelity to the same. . . to continue inviolable untill the supreme power in England did release them" after which the extent of the line of the Massachusetts was found by able "artists" "to take in the greatest part if not all yor province." The settlements there had been orderly for a number of years until "of late they have (been) interrupted, upon p'tence of commission for your selfe, the consequences whereof hath tended much to the disturbance of the peace and good government" and which had brought "but little profit to your selfes for the body of the people in conscience to their oath and articles still adhere to the gov'ment of the Bay," frequently addressing themselves to the Massachusetts "for protection and justice. . . yors not appear(ing) to have strength and intrest enough to compose and satisfy them."

The Massachusetts was not inclined to quarrel with the Gorges heir over the jurisdiction of Maine, but the "frequent solicitations of the people. . .urging a performance of covenant put them upon endeavors to p'serve

peace and order among them." To this end commissioners were sent into the province and an agreement made with the Gorges administrators only to be broken again. Things being such as he had described, Gookin urged Gorges to consider it to be for his benefit "to make some honorable composition with the jurisdiction of Massachusetts for yor claime which I beelieve they will comply withal rather than ingage in a contest with you." It was possible that a "some of money (be) paid you for your claime."[1]

This offer followed upon the report of Sir Geoffrey Palmer, attorney-general on June 8, 1664, and the royal declaration to the inhabitants of the province of Maine on June 11 next. Sir Geoffrey Palmer found upon petition of Ferdinando Gorges, grandson of Sir Ferdinando Gorges, that the latter had obtained a grant to the Province of Maine and had governed it without disturbance at the cost of £20,000; that he had been in actual service in the war and had suffered great losses, disabling him from further expenditure in carrying along his claim to the province; that the Massachusetts, upon the petition of the inhabitants had taken them under her government and continued to hold them to her, although commissioners of Gorges had attempted to recover possession of the Province. The King ordered the Massachusetts to make immediate restitution of the

1. Folsom, Original Documents, pp. 55-57, June 25, 1663.

Province and to "deliver to him or them quiet and peaceable possession thereof," otherwise showing reason to the contrary.[1]

The royal commission arrived in New England on the twentieth day of May, 1664, and with them came Mr. Archdale, agent for Ferdinando Gorges, bringing orders from Gorges for the regulation of the Province and letters from his Majesty to the Massachusetts for the restoration of the Province to him.[2] The County Court at York shire was held by the Massachusetts in July, deliberately in defiance of the purpose of the commission, and in pursuance of her own aim to hold the Province to her. Henceforth, the story becomes one of struggle on the part of the Massachusetts to retain the provinces of both New Hampshire and Maine even against the declaration of the King in the face of his acquired proprietorship to them. It is an enviable record of persistence, struggle and resistance, suggestive of the very forces that made England a protestant country, that made freedom of worship a fact, that brought England to the fore of nations and that created for her a world empire.

1. N. Sainsbury, 1660-74, #748-50, June 8, 1664.
   G. Folsom, Documents, p. 80, June 11, 1664.

2. Mass. Hist. Soc. Colls.3 -- III, p. 391, May 20, 1664.

Section VII

THE ROYAL COMMISSION IN NEW HAMPSHIRE AND MAINE

Colonel Richard Nicolls headed the commission sent to New England in the Spring of 1664; with him came Sir Robert Carr, George Cartwright and Samuel Maverick. Their purpose as stated in two sets of instructions, the second of which was to be divulged only among themselves, sets forth the idea of preparing for the later reduction of the Massachusetts.[1] The Earl of Clarendon made a memorandum of considerations for the business, much to the same effect. The aim was to establish the King's interests in New England, to affect primarily the submission of Maine and New Hampshire in anticipation of the King's ownership of these provinces by reason of negotiations then well in progress for their

1. Sainsbury, 1660-68, #713, April 23, 1664.

Secret Instructions to Col. Nicols and the Commission:
1. to ascertain the true state of the several colonies.
2. to gain the good opinion of the principal inhabitants, to lead them to desire a renewal of charters.
3. to secure possession of Long Island: to deprive the Dutch of trade.
4. to land at Boston, to visit Connecticut, New Plymouth, Rhode Island and to obtain their support if Boston appeared unfavorable toward them.
5. to examine charters of Charles I etc. -- to inquire into all laws passed during the late usurping of governments.
6. not to give offence to either religious sets, to frequent the churches, not to press for charges.
7. to call General Assembly -- to have members chosen inclined to promote King's interests.
8. to appoint a commander of militia approved by King, to urge for the election of Nicolls for Governor, Cartwright for Major General.

A memorandum of the Earl of Clarendon's strengthens this supposition.

(Also in N. Y. Documents, III, pp.57-60)

surrender by the proprietors, Mason and Gorges, to the King. The commissioners should advisedly first proceed to Portsmouth, there to induce the inhabitants to a willing submission to the King's new right there, to treat with them for trade advantages with England and to confirm titles of land under the King's authority. Maine and New Hampshire were to be wholly reduced before any demands were to be made upon the Massachusetts -- although it was expected "the Massachusetts may perhaps not be so soon brought to it."[1]

From New England, after a brief sojourn, the commission proceeded almost immediately to the south where by the close of the summer they had accomplished the reduction of the Dutch at New Amsterdam.[2] The winter was spent in the strengthening of defenses in New York and Delaware and in the accumulation of evidence in the northern colonies. Colonel Cartwright, acting as secretary for the commission, established his winter headquarters in the home of Captain Breedon at Boston from whence Samuel Maverick made short expeditions of inquiry to Plymouth and Rhode Island. Colonel Nichols remained at New York while Robert Carr was loath to

1. N. Sainsbury, 1660-68, #706, April 23, 1664.
Mass. Bay Records, vol. 4, pt.II, p. 157 -- July 23, 1664.

2. N. Y. Documents, III, p. 85 -- July 20, 1664. Mr. Maverick to Capt. Breedon. (J. Brodhead, editor.)
Ibid. p. 83 -- Jan. 16, 1664. Col. George Cartwright to Sec. of State Sir Henry Bennet.

leave Delaware. The commission, it was rumored at Boston, had already put the country to the debt of £300; the commissioners intended to exact £12 for every acre of land in the commonwealth and £3000 besides. Their civil privileges, moreover, were to be impugned upon. Wagers were going the rounds that the commissioners should never sit at Boston. Cartwright feared that the "phancy of a commonwealth is yet in some of their braines."[1] By underhand dealing the inhabitants had gotten petitions made to themselves for maintaining the government as it was and votes by secret solicitation for the next election.[2] They had admitted three or four non-churchmen to be freemen in order to evade the King's letter, and upon the intention of the commissioners to write letters at large to call all of the inhabitants to the election, they had altered the law for

1. N. Y. Col. Doc. III, p. 89, Feb. 7, 1664. George Cartwright to Sir Henry Bennet. (J. Brodhead, editor.)
N. Sainsbury, 1660-68 -- Dec. 14, 1665.
Report Commissioners to King:
"To elude his Majesty's desire that men civil and of competent estates be admitted freemen, an Act has passed that a housekeeper 24 yrs. old bringing certificates of civil life, orthodoxy in faith, and paying 10s. at a single rate, may make his desire known to the Court when it shall be put to the vote. The commissioners have found that scarce 3 in 100 pay 10s. at a single rate, and that a church member though he be a servant and pay not 2d., may be a freeman."

2. N. Y. Col. Doc. III, p. 84, Jan. 25, 1664. Cartwright to Col. Nichols. (J. Brodhead, editor.)

freemen.[1] They had claimed land on the Narragansett just as in the north, and had set up a boundhouse there which the Rhode Islanders pulled down, although upon the threat of bloodshed.

Maverick wrote to Colonel Nichols from Rhode Island where he was engaged in settling the disputed bounds that he had done his utmost in Massachusetts "to undeceive the deceived" and to prepare them for the election which was to come on May 3.[2]

The royal commissioners withdrew abruptly from the session of the General Assembly in May.[3] Nicolls returned to New York; the other commissions began their journey northward. The commssioners had found the magistrates of the Massachusetts "presumptious, & refractory & (they) could obtein nothing from them, that might be satisfactory to his ma ties desires; and their answers to the instructions of his ma^tie^ to us (of which we gave them copies) were dilatory, & impertinent." The commissioners had called a court of appeals to which they summoned the Governor and the Court to hear the custom's suit of Mr. Thomas Dean according to his Majesty's instruction which they however

1. Doc. Hist. Maine, vol. IV, ser.2, p. 255, Feb. 4, 1664.

2. N. Y. Col. Doc. III, p. 93, March 5, 1664. Mr. Maverick to Col. Nicolls. (J. Brodhead, editor.)

3. Mass. Bay Records, vol. 4, pt. II, p. 168.

refused to attend. On the morning of May 24 a trumpeter took a stand below Colonel Cartwright's chamber window at Captain Breedon's house where the meeting was to be held and with the sound of the trumpet proclaimed the refusal of the Massachusetts to obey the summons.[1]

On the first day of the meeting of the General Court on May 3 several measures were passed for safeguarding the Massachusetts interests in the northern provinces. Samuel Symonds and Thomas Danforth were required to go to York and to keep the county court there with authority to appoint officers both civil and military for the settling of order and the preserving of peace. In case of obstruction from any under the pretence of other authority, they were authorized to proceed against such with trial and penalty. Captain Robert Pike of Salisbury, and Mr. Samuel Dalton of Hampton or either of them were empowered to go to Piscataqua and to take charge of the Norfolk County Court, to acknowledge deeds, issue warrants, to solemnize marriage, administer oaths in civil suits, to punish drinking and other misdeamors according to law, and to search for stolen goods. Major William Hawthorne with the associates of the county were to keep the courts during the next year.

1. Maine Hist. Soc. Colls. Ser. 2, vol. 4, p. 272 -- Nov. 20, 1665, Sir Robert Carr & S. Mavericke to Sec. Ld. Arlington. Documentary Hist. State of Maine.
Mass. Bay Records, vol. 4, pt. 11, pp.248, 147, May 3, 1665.

Mr. Thomas Danforth, Major Eliezer Lusher and Major General Leverett were nominated by the deputies of the commonwealth to settle the affairs in the eastern parts and consented there to.[1] On May 25 the day after which the royal commission had withdrawn from the Court, the magistrates declared that in consideration of "the distracted condition of the people of the county of Yorkshire" as a result of the claims of Ferdinando Gorges and the negligence of officers sworn to the Massachusetts government, they would "still extend their government over them as formerly," and would hold the county court at York in accordance with the laws and customs of that county. They ordered that the inhabitants remain in subjection to the authority of the court and that civil officers perform their duties according to their commission. Peter Weare was appointed recorder in the place of Edward Rishworth who had deserted the Massachusetts for the Gorges government. The Massachusetts intended to inform his Majesty of their reasons for not surrendering the Province of Maine to Mr. Gorges and they were submitting to him a map of the northward limits, fully expecting that he would vindicate their claim to the territory. Mr. Ezekiel Knight of Wells was authorized to convey the court order to Peter Weare who was required to

1. Maine Hist. Soc. Colls. Ser. 2, vol. 4, p. 206, May 6, 1665. Documentary Hist. State of Maine.

publish it in every town of the Province. Edward Rishworth was ordered to surrender the Province records to Weare.

On November 5 preceding, Henry Josselyn and the other commissioners of the Gorges government, namely, Francis Champernoune, John Archedale, Robert Jordan, Edward Rishworth, Francis Raynes and Thomas Withers had sent a formal letter of protest to the governor and council of the Massachusetts "against their intermeddling with ye government thre of . . . requesting in the name of our selves & the people of the s^d province, your Courteous and peaceful disceadure from further comanding us & them."[1] The General Court acted in response to the evident failure of some among these to observe "their trust and former obligations," being "sworne to the government of the Massachusetts and by the same entrusted in publicke employe."[2]

In answer to the previous request[3] of the royal commissioners, the General Court on May 24 sent to them a map of the northern boundary, together with the message that they would be willing to meet the gentlemen in conference over the matter of the disputed boundary. In explanation of their right to the northerly line to which they set claim, they enclosed with the map a list of reasons

1. Mass. Bay Records, Vol. 4, pt. II, p. 152 -- May 25, 1665.

2. Maine Hist. Soc. Colls. Ser. 2, vol. 4, p. 187 -- Nov. 5, 1664. (Documentary Hist. State of Maine.)

3. Mass. Bay Records, Vol. 4, ser. 2, p. 183,ff -- May 24, 1665.

relative to their claim: (1) the river Merrimac was the same in name and extent from Salisbury to Lake Winnepesaukee; (2) the line of the Massachusetts was straight east from Winnepesaukee to Casco Bay; (3) the Massachusetts owned all of the territory within three miles north of any and every part of the Merrimac from the Atlantic to the back sea, hence it included all of the land within the region bounded by a straight line from Winnepesaukee east or west, including all of the islands within the latitude of the line; (4) the Massachusetts did not at first make claims to the land it being impossible for them to measure their bounds other than gradually; (5) the Massachusetts had taken the inhabitants of Yorkshire into the commonwealth upon the strength of their patent right and had given them their articles of government as a matter of pure favor; (6) the royal commissioners had attempted to wrest the province from the Massachusetts without due process of the law, and having failed to make certain their identity and their commission, the Massachusetts took no cognisance of them. The Massachusetts had resolved to maintain their position in the matter of the northern line until otherwise informed.[1] A letter to the same effect was sent to the King, with enclosures of affadavits relating to the matter: (1) the return of the

1. Mass. Bay Records, vol. 4, part 2, p. 214, 236 ff.

commissioners, Captain Simon Willard and Edward Johnson to the order of the General Court in the year 1652, laying out the northern boundary of the Massachusetts (May 17, 1665); (2) similar return of Jonas Clarke and Samuel Andrews of the northerly bounds of the patent upon the sea coast (Oct. 19, 1654); (3) similar return of Sergeant John Sherman of Watertown and Jonathan Ince, a student of Harvard College (Oct. 19, 1652); (4) return of Peter Weare regarding the extent of the Merrimac (May 17, 1665); (5) the return of Richard Waldern regarding his knowledge of the Merrimac River.[1]

The King was highly displeased with the Massachusetts. Colonel Cartwright had learned that the General Court had twice sent letters to the Lord Chancellor since August last.[2] On February 25 Mr. Secretary Morrice wrote to that government that his Majesty was not pleased with the petition addressed by them that he "looked upon it as the contrivance of a few persons who have had too long authority there." The King had sent commissioners to New England to examine the "trueth and grounds of all the allegations" made to him by "particular persons, of injustice done them contrary to the Constitution of that government; by the other colonies for the oppression they pretend to undergo by

1. Maine Hist. Soc. Colls. Ser. 2, vol. 4, p. 225 ff. (Doc. Hist. Me.) Sainsbury 1661-68, #1001. May 30, 1665.

2. Doc. Hist. Maine, vol. 4, ser. 2, p.255, Feb. 4, 1664.

the power of that of the Massachusetts, by extending their bounds and their jurisdiction further than they ought ton do as they pretend and by the natives for the breach of faith and intollerable pressures laid upon them as they allege, contrary to all kinds of justice and even to the dishonor of the English Nacon and Christian faith." The King regarded Mr. Endicott as not well affected to his Majesty's interest and he proposed that another be elected in his place as Governor.[1]

On June 11 the royal commissioners began their journey eastward, passing through Salem and Ipswich where they were "gallantly entertained" and to Newbury on the 12th and on to Hampton. Sir Robert Carr and Colonel Cartwright stopped at Hampton overnight, Samuel Maverick rested at Salisbury, five miles short of it. At Hampton they were joyously welcomed by the townspeople who expected the commissioners to declare them free from the Massachusetts government.[1] There they visited the place where the boundhouse had once stood, now marked by the barrel of a gun which one of the inhabitants had struck into the earth to mark the spot of its location. From thence the commissioners travelled on to Piscataqua, stopping in that town until June 21 when they resumed the

1. J. S. Jenness, p. 47. June 18, 1665, Samuel Maverick to Earl of Clarendon.

journey into the Maine Province.[1] At Piscataqua they inquired deeply into the affairs of John Mason relating to the Province.[2] By talking with Mr. Josselyn and others of the place, and by perusal of the papers of John Mason in the hands of Joseph Mason, they were able to inform themselves fully of the facts of the Massachusetts intervention and subjection of the people to her jurisdiction. The commissioners summoned the inhabitants of Dover, Exeter and the surrounding towns to hear the King's letter, but they were opposed in this by the commissioners of the Massachusetts who were sent into the province to hinder them in their proceedings there. Hence, they accomplished nothing. However, the commissioners found that the inhabitants for the most part acknowledged Mr. Mason's right and in agreement with Joseph Mason's opinion were "all desirous to be taken off from the Bay government."

On June 22, the royal commissioners met the inhabitants of York at a town meeting to which they had been summoned by the Gorges commissioners, Captain Champernoune and Henry Josselyn. Mr. Edward Rishworth was called upon to surrender the Province records.[2] A few days later upon the settlement of the government of the Province under the

1. Maine Hist. Soc. Colls, Ser. 2, vol. 4, p. 365. (Doc. Hist. Me.) July 16, 1665. Mr. Joseph Mason to Robert Mason (cousin).

2. Maine Province & Court Records, vol. I, p. 217, June 22, 1665.

King by the order of the commissioners, Edward Rishworth was appointed recorder, thus transferring his allegiance from the Gorges heir to his Majesty. On June 23 the royal commissioners declared their subjection of the inhabitants of the Province to his Majesty's government, appointing justices of the peace to administer the government in his Majesty's name. The justices appointed were former allies of the Gorges government: Francis Champernoune, and Mr. Robert Cutt of Kittery; Mr. Edward Johnson, and Mr. Edward Rishworth of York ; Mr. Samuel Wheelwright of Wells; Mr. Francis Hooke and Mr. William Philips of Saco ; Mr. George Munjoy of Casco; Mr. Henry Josselyn of Blackpoint; Mr. Robert Jordan of Richmond Isle; and Mr. John Wincoll of Newichawannock.[1] Henry Josselyn and Edward Rishworth were appointed to take the oath of fealty required of the justices who were therupon empowered to act as magistrates, to hear and determine all cases of a civil or criminal nature and to otherwise administer to the affairs of the Province. The justices were ordered to continue the mode of worship prevalent in the Province, to settle the matter of admiralty cases and to clear land titles within the course of the next year. When in need of a jury, seven men should be instituted to act as such; Mr. Josselyn and

1. Maine Province & Court Records, Vol. I, p. 218, June 24, 1665.

Mr. Jordan were to cast the final vote in case of a tie in the opinions of the justices.[1] New plantations were not to be opened up until land titles were secure, nor were newcomers permitted to come into the jurisdiction without permission from one of the commissioners and from two of the justices. The royal commissioners thus forestalled any attempt on the part of the Massachusetts to settle disturbers of the peace and spies among the loyal subjects of his Majesty's government.[2]

The Massachusetts account of the royal commission's progress through the northern provinces is entirely at variance with the version rendered by Samuel Maverick in his report to the Earl of Clarendon. Having visited all of the towns on the Piscataqua River, Exeter, Dover, and

1. Province & Court Records, vol. I, p. 216 ff.

2. Maine Hist. Soc. Coll. Ser. 2, vol. 4, p. 147. (Doc.Hist.Me.)
A petition of the inhabitants of Maine seeking to come directly under the protection of the King signed by the following:

W. H. Phillipps	Thomas Williams	James Grant
Francis Hooke	William Liscom	Diggery Jeoffry
Raphe Allanson	Edw: Rishworth	John Pudington
William Shelton	John Danas	Henry Jocelyn
John Budstraite (?)	Jeremiah Hubbard	Fran. Champernoune
Barnabas Chauncy	Edward Johnson	Abra: Corbett/
James Gibbines	John Thursden	John Pearce/

Vnder whom shall see. . . Most commensurate to your Majesty's pleasure, the declaration w^r of wee doubt not will Inlarge ye beginninge your future reviseings, & freedome from such Inevitable intagnlements, as certainly must succeed our Present or future Vnsettlements, for your Majesty's fauour w^r in wee shall for ever bee obleiged to pray for your Majesty's prosperity & well fayre/ (about 1665-68)

Colonial Papers, vol. 22, #987.

Portsmouth as well as Hampton, the commissioners passed over the river to Kittery where they summoned the inhabitants to appear at Major Shapleigh's house to hear his Majesty's commssion read. As in New Hampshire, the people sought release from the Massachusetts government and further, expressed their unwillinghess to be subjected by Mr. Gorges. From Kittery the commissioners travelled onward through all the towns of the Province and found the inhabitants everywhere petitioning for the same favor, whereupon to satisfy them fot the time being, they released them from further obligation to either of the two governments and placed them under the King's immediate authority.[1] According to the Massachusetts account, the commissioners moved northward, "applying themselves to sundry discontented persons as they apprehended might best conduce to their purposes and when they came into that part claymed by the heires of Sr. Ferdinando Gorges, instead of giving an opportunity to these partyes clayming patent right to plead the same, as they came to the severall touns, they summoned the people to meete together, made their own proposals to them, possessed them of their innevitable ruine in case they continued under the Bay government, declaring us to be rebells and orators." They also pointed

1. N. Y. Hist. Soc. Coll. year 1869; July 24, 1665. (Clarendon Papers) In Maine five towns, Kittery, York, Wells, Scarborough and Falmouth.

out to the inhabitants the largesse of the privileges granted to Gorges against them until the inhabitants begged to be relieved of both whereupon the commissioners secured their subscription to a petition seeking to come under his Majesty's immediate government. Some of the inhabitants were inveigled into accepting the new government by their "threats and reproaches," others by the desire to be free to pursue their evil ways, and most of them being in great debt hoped to escape their creditors by a turn of government. Those who would not agree, were threatened with the return of their names to the King, and believing themselves to be ruined by these disorderly proceedings, they were quitting the Province with all speed.[1]

On July 10 the royal commssioners called a provincial meeting to which they summoned the inhabitants of Dover and the other three river towns.[2] They had received a letter from his Majesty about the opening of another war with the Dutch and they considered it an opportune time to look after the river fortifications. The plans of the royal commissioners were somewhat thwarted by friends of the Massachusetts in the Province; Captain Walderne prohibited the constable from further publication of the

1. Mass. Bay Records, vol. 4, pt.II, pp.248-9, Oct. 10,1665.
2. N. H. Provincial Papers, vol. I, p. 270, July 10, 1665.

summons in the town of Dover.[1] while at Portsmouth the selectmen of the town wrote posthaste to the Governor and Council of the Massachusetts for advice in the course of action they should pursue. That body forthwith advised that "neither yourselves as Selectment, nor any of your inhabitants attend on any Mandates from the Commissioners who went hence and refused to treat any further with his Majesty's authority here established or to capitulate with them declaring to them that you are under his Majesties government & authority and Massachusetts, and must and will attend their orders only til the Generall Court understand and be satisfied by his Majesties further pleasure."[2] The constable of Portsmouth was ordered by the Governor and Council to disperse the meeting of the royal commissioners. A letter was also dispatched to the royal commission in protest of their activities in the provinces since their unceremonious departure from Boston and the more recent of the newly summoned public meeting. "If yourselves please to peruse the letter lately come from His Matie directed to Col. Nicholls and yourselves, you will find you are directed by his Matie in a more orderly method then this that you observe, if that His Maties

1. N. H. Provincial Papers, vol. 1, p. 273, July 20, 1665. Letter Selectmen, Dover, to Council of Massachusetts.

2. Ibid. vol. 1, p. 272, July 12, 1665.
Selectmen of Portsmouth were John Cutt, Elias Stileman, Richard Cutt, Nathaniel Fryer.

wisdom may be judge."[1] The meeting was nevertheless held and the King's letter read whereupon the commissioners required the inhabitants of each town to select two men to meet the commissioners on the 14th at Portsmouth to discuss the fortification of the river mouth. Much to the displeasure of the selectmen, all of the inhabitants regardless of civic discrimination were called upon to vote. At the time appointed the deputies assembled, but pleaded poverty as the legitimate excuse against the work of fortification. The selectment of Portsmouth in a letter of gratitude to the Massachusetts magistrates voiced their notion of the business to be this, "they positively declare unto the people that they neither did nor should belong unto the Massachusetts, but that they would immediately take them of from & protect them against the same, further saying they would do the same with all the people on this side the boundhouse."[2]

At this meeting petitions were presented to the royal commissioners by persons unfriendly to the Massachusetts regime. One of these was an attestation of conditions in the Province of New Hampshire under the rule of selfish men supported by the Massachusetts. "Five or six of the ritch-

1. N. Y. Col. Doc. III, P. 98, July 12, 1665. (J.R.Brodhead, ed.)

2. N. H. Provincial Papers, Vol. I, p. 276, July 13, 1665. Selectmen of Portsmouth to Governor & Council of Massachusetts.

est men of this parish (Portsmouth) have ruled and swaied and ordered all officers both civill & military at their pleasures, none of yor Honors peticoners though loyall subjects. . . durst make any opposition for feare of great fines or long imprisonment." These had denied their civic brethren the use of the common prayer book, the sacraments and burial according to the rites of the Anglican faith. They had denied the greater part the privilege of freemen and upon the election of officers they all kept the offices among them in order that they might manage the granting of free lands and the settlement of them, having "engrosed the greatest part of the lands within the precincts & limits of this plantation into theire owne hands and other honest men that have had lands given & laid out to them, the said contrary party have desouned the grants and laid it out to others." The persons petitioned against were frankly listed as being Joshua Moody, minister, Richard Cutt, John Cutt, Elias Styleman, Nathaniel Ffryer and Bryan Pendleton of whom all with the exception of Joshua Moody and Bryan Pendleton were selectmen.[1] Another petition to his Majesty

1. J. S. Jenness, p. 50. July, 1665.

Petition of men of Portsmouth, against the Massachusetts:

Francis Champernoune	Samuel Ffernalle
Abraham Corbet	ffran. Rar (Raynes?)
John Pickering	John Partridge
Anthony Bracket	William Cotten
Francis Drake	Richard Sloper
Edward Clarke	George Willis

(con. p. 186)

was solicted by Abraham Corbett of Portsmouth and John Foulsham of Exeter. It was entitled to be the petition of the inhabitants of Portsmouth and Strawberry Bank, Dover, Exeter and Hampton, praying to be freed from the jurisdiction of the Massachusetts. The contents were an expression of the joy with which the inhabitants learned of the appointing of commissioners for the settling of bounds and government among them. They were grieved that the Massachusetts had denied "that authority wch yor Matie gave yor Commissionners (and which) hindered (them) from that good wch were expected from those commissioners." They requested that the King take them under his immediate government so that they might be ruled by the known laws of

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Foot note 1 continued from page 185:

Mark Hunking	Thomas Avery
John Johnson	George Walton
John Berry	Sam. Roby
John Ffrost	Edw. West
Joseph Atkinson	George Gray
John Jones	Thomas ffalingsby
Henry Savage	John Tanner
ffrancis Jones	George Drake
William Hearle	

Joshua Moody was the Puritan preacher in the town, by marriage related to the Cutts and of whose oratorical powers Corbett was said to have remarked in his less prudential moments, "they were but ballings out."

England.[1] News of these petitions were brought to the attention of the Massachusetts by a letter from the selectmen of Dover[2] whereupon the General Court called upon the towns to elect deputies from among the freemen

1. J. S. Jenness, Documents, p. 50.
N. H. Provincial Papers, Vol. I, p. 277.
G. Folsom, Original Documents, p. 57

Subscribers to this petition: July 26, 1665.

John Jackson	ffran. Champernoune
Walter Abetts	Edward Hilton
Phesant Eastwick	Abr. Corbett
William Seavey	John fousham
William Zearle	M. H. Hanckings
John Webster	Thomas Walford
John Jones	Henerie Sherburne
ffrances Jones	ffrances Gray
Richard Scammond	Gorg lraf
William Cotton	Nath. Drake
John Widdon	Joseph Atkinson
Samuel Whiddon	John Sherborne
James Jones	Antho; Brackett
Thomas ffooteman	ffran: Ran
Robt. Watson	David Hammedleton
Thcs. Avery	James Harber
Jo. Tanner	Phillip Chasley
Patrick Denmark	Patrick Jameson
Will Jones	Daniell Blake
Thomas Roberts Sen.	Symon Lea
Ralph Termby	James Oare
Jno. Hanson	Jam. Smith
James Necoth	Robert Burnam
James Bancker	Richard Sloper
Will ffolett	Edward West
John Goddard	John Pickering
Robert Heden	John Pottell
Ben Hull	ffrances Drake
John Yorke	
Richard Yorke	Vera Copia
John Hilton	Attested by me,
John Huncking	Abra. Corbett

(J. S. Jenness, p. 51

2. N. H. Provincial Papers, Vol. I, p. 273, July 20, 1665. The selectmen of Dover were: Richard Walderne, Henry Langstaff, John Davis, John Roberts.

of their respective areas to attend a session of the Court on August 15. Thomas Danforth, Eliezer Lusher and John Leverett were again ordered to go into the provinces, to Norfolk, Piscataqua, the Isle of Shoals and York to summon before them any and all persons disturbing the peace and order of the Massachusetts government there, calling to their aid in the accomplishment of this all officers, military and civil, and the inhabitants of the jurisdiction. They were directed, moreover, to seek a conference with the royal commissioners regarding their activities in those parts. The laws for the proper observation of the sabbath day were greatly straitened; fines and corporal punishment were to be more severely inflicted. In this manner it was expected that Quakers and others such who made up the greater opposition to the Bay Colony could be brought to order.

This show of force on the part of the Massachusetts in the first instant filled the inhabitants of the provinces who had submitted to the royal commissioners, with fear and consternation. Francis Champernoune, Edward Rishworth and Edward Johnson, justices, appealed to the commissioners for relief.[1] These with other of the justices had enjoyed more hopeful expectations when some weeks earlier they had petitioned the commissioners for the favor of permitting Sir Robert Carr to be continued on as their governor.[2] On August 16 the justices appointed John Wincoll to take over the militia for the town of Kittery

1. Doc. Hist. Maine, vol.4, ser.2, p.267, Aug.22, 1665.
2. Maine Provinc. & Court Records, vol. I, p. 209, July 18, 1665.

and on August 22 the inhabitants of Maine by an order of their justices prepared to fight for their liberty. The trained bands were to be ready on the first call of the drum for military service"to preserve his Majesty's laws and peace here settled, against any who act violently by ta ing or attempting to take away any of his Majesty's subjects or interests whether of Record or Court Rolls appertaining to this Province, and commanding them by force of arms to apprehend all such persons thus presuming to act."[1] Samuel Mavericke voiced the growing helplessness of the commission to give aid or encouragement to the people of the provinces when they themselves were being threatened with imprisonment by order of the General Court then sitting. He begged Lord Clarendon to urge the King to some speedy course for their relief lest the cause of the loyal party be lost in the provinces.[2]

On October 5 the Massachusetts Commissioners, Mr. Thomas Danforth, Mr. Eliezer Lusher, and Mr. John Leverett, according to their before-mentioned commission of August 3, arrived at Portsmouth. There they summoned the inhabitants to a meeting for the purpose of discovering

1. N. Sainsbury, 1660-68, #1041, Aug. 22, 1665.

2. N. Y. Soc. Coll. 1869, p. 77, Aug. 11, 1665. (Clarendon Papers) In a letter of July 24 Maverick recommended that by summoning two or three of the more obstreperous persons in Massachusetts to England e.g. Bellingham, Gov, Daniel Gookin, William Hawthorne, Richard Waldern or James Oliver, the others would be soon quieted.

the origin and strength of the petition presented to the royal commissioners in July, subscribed by certain of the inhabitants of Portsmouth, Dover, Exeter and Hampton. The day following, they met the loud assent of the renouncement of the Bay Colony at a meeting of their adversaries at Portsmouth. Robert Burnham, Edward Hilton and John Fousham were also said to have had a very active part in the promoting of the petition against the Massachusetts.[1] The inhabitants of Dover expressed innocence of having any part in the petition drawn by these persons, reiterating their allegiance to the Massachusetts government.[2] The selectmen and townsmen of Portsmouth issued

1. N. H. Provincial Papers, Vol. 1, 279

2. Mass. Bay Records, vol. 4, pt. II, p. 268
Subscribers to the Petition of the inhabitants of Dover to the Mass. General Court in Remonstrance of that of July 1665 -- given Oct. 10, 1665:

Richard Walderne	Jno Lovering
William Wentworth	Henry Tibbetts
John Roberts	John Heard
John Davis	Thomas Dounes
Jno Ryner	Thomas Laiton
Charles Adams	Peter Coffin
Jno Woodman	Wm Beard
Wm Furber	John Church
Jno Hall	Robert Evans
Hate Evil Nutter	Jno Bickford
John Frost	Jno Dammin
Wm. Layton	Jerr. Tibbets
Thomas Nock	Steven Jones
Richard Roe	Rich Cater
	Thos Canny.

Wm. Pomfret, Town Clerk, Attest. to validity.

a similar declaration.[1] Samuel Dudley wrote a certificate freeing the town of Exeter of having any part in the business and Hampton acted likewise. These professions of good faith were transmitted to the General Court at its October session.

The inhabitants of Maine were in the meanwhile preparing for the attempt of these commissioners to cross the river into Kittery. Their intention was to give fight. Sir Robert Carr was there awaiting developments, having on the 10th of October dispatched a letter of remonstrance to the Commissioners at Portsmouth. He commanded that they desist from molesting those persons who had petitioned his

1. Mass. Bay Records, Vol. 4, pt. II, p. 268
Subscribers to the Petition of the inhabitants of Portsmouth against the authors of the petition of July, 1665 -- Oct. 9, 1665;

Richard Cutt)
Nath. Frier)___ Selectmen
John Cutt)
Elias Stileman)

John Hart	Richard Comins
Richard Tucker	Jno Moses
John Brewster	James Pendleton
Charles Gleeden	Leonard Weeks
Edward Buckford	Richard Goss
Francis Rann	Robert Tounsend
Walter Neale	Samuel Haynes
John Westbrooke	Joseph Walker
Richard Jackson	John Amensen
Joseph Moss	Philip Lewis
Anthony Ellery	Stephen Grassam
John Lewis	Thomas Denness
William Seavey	James Cate.

Majesty to come under his protection until the King's will be further known.[1] The Massachusetts commissioners, whether by reason of this letter from Carr or because of the vote of the General Court taken that day at Boston, not to proceed further with the business, abandoned the plans of going to York and returned to Boston.[2]

The royal commission was preordained to act but a short while longer in the provinces. Sir Robert Carr made known his wishes to take over the governorship of Maine, a thing also desired by the justices of the Province.[3] In a letter to him the justices reported the apparent contentment of the inhabitants with the government under the royal commission, judging from the size of last court session which was well represented by all parts of the Province with the exception of Casco from whence came not a single inhabitant, Mr. Munjoy having refused his appointment as justice. Sir Robert Carr described the eastern parts as being very beneficial to the King," in regard it is well stored with the best masts and ship timber, which

1. Mass. Bay Records, vol. 4, pt. II, p. 273. Oct.10,1665 Col. Carr to Major General Leverett

2. Maine Hist. Soc. Colls. ser. 2, vol. 4, p. 27, 45. (Documentary Hist. State of Maine.)

3. N. Y. Col. Doc. III, p. 109, Dec. 5, 1665, R. Carr to Sec. State. (J.R.Brodhead, ed.)
Maine Hist. Soc. Colls. Ser. 2, vol. 4, p. 277, Nov. 29, 1665, Justices to Sir. R. Carr. (Doc. Hist. Maine.)

otherwise will be destroyed."[1] Colonel Cartwright recommended that Mr. Richard Bellingham, Governor of the Massachusetts and Major Hawthorne together with two others be called to England to answer the charges to be brought against the Bay Colony by the commissioners. He also urged that the Massachusetts be prohibited from further interfering with the government of Maine as it was then organized and that Mr. Corbet of Portsmouth be set at liberty without penalty and that no one else be punished for showing respect to the commissioners.[2] Colonel Cartwright who had left for England in November fell prey to a Dutch ship and was stripped of all the valuable documentary evidence gathered in the provinces relative to the purpose of the investigation. Colonel Cartwright was landed in Spain from whence he made his way to England. The commmissioners who now remained in America, learning of the misfortune to Cartwright, spent the next few months summoning together the information lost at sea.[3] His Majesty after due consideration of the facts presented to him by the commissioners and upon the advice of the Council for Foreign Plantations, issued an order, recalling the commissioners from New England "to the end hee may receive

1. Ibid. footnote #3, p. 192
2. N. Y. Hist. Soc. Coll. 1869, p. 107. Jan. 1665. (Clarendon Papers)
3. Sainsbury, 1660-68, #921 Jan. 30, 1665.
   Ibid. #1170, April 9, 1666.

from them a more particular account of the state and condition of those his plantations, and of the particular differences and debates they have had with those of the Massachusetts, that so his Majesty may pass his final judgement and determination thereupon."[1] At the same time the Governor and Council of the Massachusetts were ordered to make a choice of four or five persons of whom Mr. Richard Bellingham and Major Hawthorne were to be two, to attend the King and to answer to the allegations presented. The King further commanded that "there may bee noe alterations with reference to the government of the province of Mayne, till his Majesty hath heard what is alledged on all sides" and that the government be continued as the commissioners had left it until his Majesty, determine otherwise. His Majesty ordered the release of persons who had been imprisoned **only** for petitioning to come under his Majesty's more immediate direction.[2]

1. N. H. Provincial Papers, Vol. I, p. 29, 6, 7. Sainsbury, 1660-68, #1174, #1171 -- April 10, 1666.

2. N. H. Provincial Papers, I, p. 297, April 10, 1666.

Section VII

THE USURPATION OF THE ROYAL GOVERNMENT IN MAINE BY THE MASSACHUSETTS

The King's commands of April 10 for the attendence of Governor Bellingham, Major Hawthorne and two or three other gentlemen from the Massachusetts upon the Council of Foreign Plantations to answer the charges of the King's commissioners was, according to the record subscribed by the General Court, delivered to the Governor and Magistratesby Mr. Samuel Maverick on September 6, "without direction or seal which he saith is a copie of a signification from his majestie, of his pleasure concerning the colony of the Massachusetts, the certainty where of seems not to be so cleare unto us as former expresses from his majesty have usually beene."[1] A similar declaration was advanced by them to Mr. Secretary Morrice who shortly after received a communication from Colonel Nicolls to the effect that a copy of his Majesty's signification to the Massachusetts Bay Colony "was surreptitiously conveyed to them by some unknoune hand, before the original came to Boston."[2] Samuel Maverick related that on August 7 he had received a packet of mail from England containing the sig-

1. Mass. Hist. Soc. Colls. 4 -7 -p.313, Aug. 29, 1666
   Mass. Bay Records, vol. 4, pt. 11, p. 317, Sept.1,1666
   Sainsbury, 1660-68 #1302 Oct. 4, 1666

2. N. Y. Col. Doc. 1869, 136 Oct. 24, 1666. (J.R.Brodhead, ed.)

nification concerning the Massachusetts which he was ordered by Sir William Morrice to deliver to the Governor and Council in assembly. Mr. Maverick immediately notified the Governor of the signification, but in spite of all his effort to have a Council meeting summoned, five weeks passed before the Governor and his Council would assemble. On September 5, the Council being at last assembled, he was able to carry out the Secretary's orders and to present the signification as directed. Another six days passed before the King's order to his subjects was permitted any consideration, the time being occupied with an empty discussion of Anabaptists, Quakers and as Maverick expressed it "I know not what."[1] It was voted, at last, that "noe person should be sent, not withstanding his Ma ties expresse command."[2] Thereupon, a great dissatisfaction arose among the inhabitants of the Colony with the refusal of the Court to comply with the King's command. The most influential persons throughout the Colony subscribed to a petition[3] directed to the General Court in which they urged that fit persons be sent at once to obey

1. Filibuster in the Congress of the United States has its more immediate root in the events of this period, it would appear.

2. N. Y. Soc. Col. 1869, p. 132,133, about Sept. 12, 1666.

3. N. Y. Hist Soc. Coll. 1869, p. 126-7, Oct. 1666.
N. Y. Col. Doc. 1869, p.173, Aug. 25, 1668 -- there were two such significations, the one to be delivered to the Governor and Council the other to be reserved.

his Majesty's order and to clear the Colony of any unfavorable imputation which the King may have drawn from their past conduct, otherwise, they would find it necessary themselves to address the King in order to clear themselves of the appearance of disloyalty and disobedience. The petition was signed by the inhabitants of many of the surrounding towns; in Ipswich 73 subscribers to the petition, in Salem 36, in Hingham the major part of the town, and about 100 of the leading inhabitants of Boston itself. The Court immediately took measures to arrest the tide of rebellion among its citizens; they called eight of the petitioners to Court, among them: Mr. Thomas Deane, Captain Thomas Savage, Mr. Thomas Brattle and Mr. Habakkuk Glover or Boston, Mr. Batten of Salem, Captain Appleton of Ipswich, Captain Gerrish of Newbury and Captain Pike of Salisbury. There were some remarks about degrading them, but members of the magistracy dissented, namely: Major Dennison, Mr. Bradstreet and Captain Pincheon, and among the deputies Mr. Broune, Curwin, and Captain Davis. The ruling party now feared that the people would not stand by them although they remained determined to have their way. It was better, quoth they, "if they must be ruined, to be torne in pieces by a Lyon than gnawed om pieces by rats."[1]

1. N. Y. Hist. Soc. Coll. 1869, p. 126-7, October, 1666. Mavericke to Cartwright.

To offer the King some appeasement in view of their intended noncompliance with his commands, the Massachusetts General Court sent his Majesty a gift of two ship masts. Captain Pierce, of the ship "Duke of Yorke," on which the masts were conveyed to England designated the one as "Governor Bellingham," the other, "Major Hawthorne!"[1] Major Nicholas Shapleigh, the Quaker, who had been appointed by Colonel Nicholls to look after the Mason interests in New Hampshire, sent a letter of complaint against Peter Coffin and Captain Richard Waldern, who, he said, were guilty of having cut these very masts off the Mason lands. These same individuals were the cause of much of the disaffection toward the Mason government, among the inhabitants of the New Hampshire Province in their promotion of propaganda in favor of the Massachusetts. They themselves had secured "greate tractes of land, and in the most eminent Places within the said Pattent into theire oune hands and fearing least (they) should be called to accompt therefore,"[2] they encouraged strife.[2]

Neither Major Shapleigh nor Joseph Mason who in May, 1667 returned to England, could see anything for it, but that Robert Mason appoint a governor for the Province;

1. N. Y. Hist. Soc. Coll. 1869, p. 134, Nov. 3, 1666. Gov. Nicolls made a last protest to the Massachusetts resolution to refuse compliance with the King's commands.

2. J. S. Jenness, p. 52, May 20, 1667 -- Shapleigh to Rob. Mason.

and join his interests with those of Maine.[1] Captain Pike, who was described by Under Secretary Williamson of the Privy Council as being a "hopeful man and of great interest among them (the Massachusetts),"[2] had proposed a method to Shapleigh whereby the latter might retain his lands and yet allow the Bay Colony the jurisdiction therein. The Massachusetts had no notion of complying with any of the articles of the King's signification of April 10. Regardless of the order that political prisoners should at once be set free and without penalty, Abraham Corbett was held over in jail until the May session of the General Court when he was adjudged guilty of sedition, "of stiringe up sundry of the inhabitants of the place where he lives . . . and by keeping a house of comon entertainment (he) is a seminary of much vice & wickedness" and was fined 100 s. He was disabled from bearing any public office whatsoever, forbidden to keep a public hostelry, and was fined another 20S with costs of Court.[3] Major Leverett was appointed to keep the County Court at Portsmouth in June while Major Hawthorne was chosen to continue the

1. J. S. Jenness, p. 52, May 20, 1667 -- Shapleigh to Rob. Mason.

2. Sainsbury, 1660-68, #1660 (1667)

3. Mass. Bay Records, vol. 4, pt. II, p. 30, 5 -- May 23, 1666. Captain Breedon was one of two to go surety for him in the payment of his fine.

courts at both Portsmouth and Dover for the year. Major General Dennison kept the courts at Salisbury and Hampton for the year.[1] Thus, the Massachusetts though deprived of jurisdiction in Maine, persisted in her government of the Mason territory.

To make themselves moreover popular with the inhabitants of New Hampshire, the General Court allowed the desired enlargement of the Dover and Portsmouth townships by the grant of a tract of land west of the Dover bounds not already granted, to be governed by Captain Richard Waldern, Mr. Richard Cutt and Mr. Elias Stileman acting as magistrates. They asked of these towns only that should any among the inhabitants hear of persons disaffected to the Massachusetts government, that they return the names of such to the magistrates in order that measures be taken for their apprehension.[2] The town of Exeter sought a similar enlargement which was likewise granted; the request, however, that Mr. Wiggin, dwelling at Swampscot, be asked to contribute to the upkeep of the Exeter ministry, was denied.[3] In the October elections in the Bay Colony,

1. Mass. Bay Records, vol. 4, pt. II, p.305 -- May 23,1666/67

2. N. H. Provincial Papers, vol. I p. 299-301.
Petition Dover & Portsmouth for enlargement of bounds.

3. Mass. Bay Records, vol. 4, pt. II, p. 335, May 15, 1667.

Mr. Bellingham was again chosen governor together with Hawthorne and the rest of the magistrates of the previous year. The ruling party was apparently invincible. Captain Appleton of Ipswich who had been chosen deputy by his town was excluded from the government for the part he had taken in the petition of the year before. It was reported at this session of the General Court that the signification of the year before was a forgery, perpetrated by Maverick, and that his Majesty now commended the Bay Colony upon their non-complaince with it. The loyal party in the Provinces was totally at a loss what to do.[1]

In April Peter Weare of Kittery was taken into custody by Captain John Davis under the authority of the justices of Maine, Edward Rishworth and Francis Champernoune, for having in his possession a letter directed to Mr. Thomas Danforth, subscribed by a number of persons who were desirous of being taken under the government of the Massachusetts and who were thus applying themselves to Mr. Danforth to affect the change.[2] He was committed to the jail at York where he was held without the privilege of bail on the suspicion of sedition in endeavoring "to

1. N. Y. Col. Doc. 1869, p. 160. Oct. 16, 1667. (J.R. Brodhead, ed.) Maverick to Sec. of State Morrice.

2. Maine Hist. Soc. Colls. Ser. 2, vol. 4, p. 211, April 15, 1668
Ibid. p. 210, April 24, 1668
Ibid. p. 213, May 6, 1668. (Doc. Hist. Maine.)

undermine the King's Immediat athurrity heare settled."[1] A second letter was drawn up by him from the jail to which were subscribed the names of his accomplices to the overthrow of the royal government, namely; Thomas Moulton, Nathaniel Masterson, Henry Sayward, and Arthur Bragdon Sr. They appealed to Captain Waldern at Dover, urging him to act as agent for them at the General Court to promote their interests there.

Petitions to the same purpose now followed from other parts of the Province. The townspeople of North Yarmouth sent their request by Francis Neale to prosecute the business of affecting their submission to the Massachusetts. Those to subscribe this petition were Richard Bray, John Cussens, Henry Webb, William Ryall, James Lane, John Ryans, John Burrell, Bengeman Stevens and John Hallmane.

Cape Porpus and Wells petitioned severally, to be taken under the protection of the Massachusetts. They ascribed to Edward Rishworth the cause for their deflection from the Massachusetts. He had been a person of consierable influence among them and hence had been able with his engaging promises to persuade them to seek submission to

1. Those signing to his first letter were:

Henry Sayward	Joseph Hammond
Arthur Bragdon Sr.	Thomas Moulton
Samuel Bragdon	Rowland Younges
Nicholas Frost	
Dodarah Hull	

the royal government.[1] These petitioners had waited long for the settlement of the government by his Majesty until, fearful of the disorder into which they were falling, they sought to be readmitted to the Massachusetts jurisdiction.

1. Maine Hist. Soc. Ser. 2, vol. 4, p. 216, (Doc. Hist. Maine.)

Cape Porpus, Aprell 28, 1668:

Greffeng Mounticu
John Purinton
Nichs Cole
Richard Moore
Richard Brian

Edmond his mark

Simon Trote
Stephen Batson
Thomas Warner
Samell Scarlet
John Cole

John Elsin
Peter Turbat
William Renolld sin.
William Renolls
John Gooch

Ibid. P. 218

Wells Petition
April 30, 1668

Ezekiel Knight
Will Hamonds
ffr. Littlefild Sen
Thomas Litlefild
Peter Claiff
Will Aishlee
John Barret
Thomas paty
Joseph Crosse
Jacob Wormwood

Samuell Austin
John Littlefield
John Gooch
John Wells
James Gooch
Jonathan Hamonds
John Clayes
William Hobbs
Willyam Jonson
Ezekiel Knight jr.
John Trot
ffrances Littlefeild jr.

Falmouth made a plea to be permitted to choose its own officers; the townspeople were unwilling to be subjected to men like George Cleeves, John Phillips and Joseph Phippen.[1]

By reason of her charter rights and the petitioning of the inhabitants of Maine, the Massachusetts, on May 21, by an order of the General Court declared her intention of reassuming her power of jurisdiction over the inhabitants there. The Court ordered that the inhabitants yield obedience to the laws of the Massachusetts and to such officers "as shall be legally stated by the authority of his Mgtys royal charter" on appointment by the commissioners. A court was to be kept at York , on the first Tuesday in July, to which the inhabitants were to be summoned by the marshal of the county, Nathaniel Masterson, reappointed to the Massachusett's service, for the purpose of electing shire officers,[2] Major General John Leverett, Edward Tyng,

1. Maine Hist. Soc. Coll. Ser. 2, vol. 4, p. 308 (Doc.Hist.Me.).

Falmouth:

ffrancis Neale	Edw: Macering
Jane Mackworth, widow	John Ghy
ffrancis Small	Nathaniell Whaife
Richard Martin	George ffelt
Robt. Corbin	Benjamin Halwell
James Andrews	John Clayes
Rob. Sandford	Samson Perli
John Winter	Thomas Sandford

2. Mass. Bay Records, vol. 4, pt. 11, p. 370 ff. May 27, 1668.
Maine Hist. Soc. Coll. Ser. 2, vol. IV, p.219 (Documentary Hist. Maine) ff. May 21, 1668.
Sainsbury, 1660-68, #1755, May 21, 1668.

Captain Richard Waldern and Captain Robert Pike were commissioned to go to York, there to hold the Court and to establish the government in Maine under the Massachusetts. They were directed to suppress opposition and disturbances in those parts, not to extend to the people greater privileges than were being enjoyed in other parts of the Colony, to permit no changes in property rights but to maintain the rights status quo., and to supervise the elections to the point that ablest persons be chosen, irrespective of the strictest working of the law.[1] Major General Leverett and Mr. Edward Tyng were also requested to hold the Court at Portsmouth in June, the local magistrates, Captain Waldern, Mr. Elias Stileman and Mr. Richard Cutts being empowered to act in all instances during the next year. The Major-General was directed to appoint an officer to take command of the fortifications at Portsmouth. The Massachusetts took every measure to strengthen her frontier influences so that the reduction of Maine could be the more easily affected. With the appeal of the freemen of York for submission to the Massachusetts, the last stronghold of opposition in Maine had fallen and the Province of Maine was ready for sub-

1. Ibid. footnote #2. p. 104

jection.[1]

It is not to be supposed that the justices of the Provinces and the few who had always been their ready standby were to be readily cowed into deserting their cause. Henry Josselyn, William Phillips, Edward Johnson, Edward Rishworth, Francis Hooke and John Wincoll applied themselves to Colonel Nicolls at New York for advice.[2] The latter wrote to the Governor and Council of the Massachusetts in no uncertain terms. He brought to their attention his Majesty's signification, article by article, applying it to their recent ill conduct, and concluded with the warning that "if you proceed to compell an alteration of government in the Province of Maine by subverting their present establishment as it now stands

1. Falmouth on July 4, 1668, directed a second petition to the Massachusetts signed by Phineas Rider, George Rider, George Lewis, George Ingersoll, George Felt, written by Francis Neale.

2.. Sainsbury 1660-68, #1753, May 20, 1668.
G. Folsom, Original Documents, p. 77

May (Boston) 1668:

Will. Phillips	Barnabas Chauncey
Ed. Rishworth	Edward Johnson
Henry Jocelyn	Digery Jeoffery
Francis Jerem. Hubbard	James Gibbins
Abrah. Corbett	John Twisden
Wm. Sheldon	John Pudington
Thomas Williams	
John Pearce	
John Budstart	
William Liscom	
James Grant	

Maine petitioners subscribing to the Justices' letter to Col. Nicolls. (Sainsbury, 1752)

circumstanced, in all likelihood, you may cause blood to be shed, for it is both naturall and lawfull for men to defend their just rights against all invaders."[1]

On July 6 the commissioners appointed by the Massachusetts to take over the government of Maine arrived at York . There were Major General Leverett, Captain Richard Waldern, Robert Pike and Edward Tyng, accompanied by Captain James Oliver, Cooke and Gerrish, Messrs. Brattle, Croad, Richard Cutt and Elias Styleman of Portsmouth with twelve armed men on horseback led by Peter Coffin of Dover for their lieutenants. They rode up to the meeting house door, where to the beating of drums and the shouting of excited townspeople they proclaimed their commission aloud. The justices, in their turn, declared that they had received their commission to govern Maine from the royal commissioners in 1665, and showing the royal signification of 1666, asserted their duty to maintain the government as it was then established. Major Leverett showed surprise upon seeing the royal hand to the document, but notwithstanding, held to his purpose to carry through his commission. On the next morning, which was the first Tuesday of the month on which the Court was accustomed to assemble, the commissioners joined in Court to receive

1. N. Y. Col. Doc. III, 171. June 12, 1668, (J.R.Brodhead, ed.).

the electoral returns from the towns of the Province.[1]

By noon they had completed the recording of names of associates, jurymen, and of constables and the Court adjourned until afternoon. In the meanwhile the justices called for a meeting of the loyal party to assemble at the meeting house in the afternoon, the order for which was announced by the Marshal of York and his assistant, Nathaniel Phillips, who were immediately apprehended by the Marshal of Boston and thrust into prison. Justices and commissioners with their followers crowded into the meeting house where the commissioners again announced ther determination to prosecute their business. The justices, seeing the uselessness of further opposition, finally withdrew from the Court whereupon the magistrates resumed the work of the day. They empanelled the jury, gave the oath to the constables and commissioned the officers of the trained bands. For York they were Job Alcocke, Lieutenant, and Arthur Bragdon, Ensign ; for Scarborough, Andrew Anger, Lieutenant; for Falmouth, George Ingerfeild, Lieutenant; for Kittery, Charles Frost and Captain Roger Plasted, Lieutenant; John Gattensby, Ensign ; for Saco, Bryan Pendleton, Major, who was also

1. Sainsbury, 1660-68, #1848. Sept. 29, 1668.
The Trustees to Colonel Nichols.
Ibid. #1835, Sept. 1, 1668
Nathaniel Phillips' Relation to Usurpation.

appointed to settle the government at Black Point. Ezekiel Knight of Wells took the oath for holding the County Court at York on September 15 to which Captain Waldern and Captain Pike were also assigned. Peter Weare acted as recorder to take over the public records which Samuel Maverick lamented had been "so exactly and well kept" and now had been "forcibly siezed" from Edward Rishworth, recorder for the greater part of thirty years of their keeping. The associates for the Province for the year were Major Pendleton, Mr. Francis Neale, Mr. Knight of Wells, Mr. Raynes of York, and Mr. Roger Plasted of Kittery.[1] They had all taken an important part in the promoting of the designs of the Massachusetts for the overthrow of the royal government and it was a matter of wisdom as well as of reward that they received appointment to govern the Province under the Massachusetts direction. The justices named Peter Weare as having been a "principal actor " in the conspiracy, and Arthur Alger of Black Point, appointed a lieutenant by the King's commissioners, a "chief instrument" in this "factious design."[2] Having settled the government of the Province

1. Maine Hist. Soc. Coll. Ser. 2, vol.4. p. 300ff. Sept. 1665. (Documentary Hist. State of Maine)
Mass. Bay Records, vol. 4, pt. II, p. 400ff. Oct. 23, 1668.

2. Sainsbury, 1660-68, #1848. Sept. 29, 1668.
Peter Weare regained his freedom at the time when a confrére of his "staved in the prison doors" and freed him.

the commissioners left York on July 9 and with the exception of Major Pendleton they returned to Boston.

To Major Pendleton was left the work of reducing the further regions of the Province. He was nowhere, according to his own story, well received. At Saco, Major William Phillips was particularly factious and insolent. He set up a great rebellion against "Major Pmbleton's" power. He pulled the commissioner's warrant from the meeting house door and on the whole rendered himself so obnoxious that the Major was forced to order his arrest.[1] Major Phillips went to Boston to answer the complaint registered against him by Major Pendleton, and was confined in prison to await the August session of the Court, his crime being wholly that he had denied the Massachusett's power in Maine. But his influence was great in those regions and accordingly, the inhabitants of Saco and Scarborough were unmanageable. Major Pendleton was forced to write to Major General Leverett that because of Phillip's speeches before his departure for Boston, the inhabitants refused to have any dealings with him. The region was now entirely without government of any sort. Such was the reaction of some of the Maine

1. Maine Hist. Soc. Coll. Ser. 2, vol. 6 -- gives a great number of depositions taken as evidence against Major Phillips. (Doc. Hist. Me.)

towns to the Massachusetts usurpation of power.[1]

Thus was accomplished the usurpation of his Majesty's government in Maine. By it was safeguarded to the Massachusetts the vast real estate and other economic interests of its citizens in the Province, besides preserving the integrity of the commonwealth. For it was plain that, having lost Maine, the Massachusetts could not long hope to retain New Hampshire. The two provinces were inseparably bound by common economic and social interests as well as geographic sympathies. There was good reason to fear that as Joseph Mason suggested, New Hampshire would tie her fortunes up with those of Maine and by the strengthening of the compacte tear herself off from the invader.

As for the gentlemen in the Province who allied themselves with the Massachusetts in this treasonable cause,

1. Maine Hist. Soc. Coll. pp. 26-27 ff. Aug. 21, 1668. Bryan Pendleton to Major General Leverett.

N. Y. Colonial Documents, III, p. 173. Aug. 25, 1668. Maverick to Arlington. (J.R.Brodhead, ed.)

Major Wm. Phillips was ordered to give bond of £500 to insure his future peaceable demeanor, or to appear before the next session of the court and to answer to the charge against him. He refused to do either and was kept in jail until September when he finally complied -- to appear at the October court.

they were motivated by economic reasons. Robert Mason in his claim of title set forth that Nicholas Shapleigh upon receiving the power of attorney over Mason's affairs declared Mason's right throughout the Province to which the inhabitants for the most part agreed until opposition was brought to bear by Captain Waldern and Mr. Cutt and others who "encouraged some of the government of the Massachusetts, they having possessed themselves of great tracts of improved lands in the most eminent places in the province, and fearing least they should be called to an account for the same,got some people to petition the Massachusetts to be continued under their jurisdiction."[1] The Cutts were recognized leaders in the alliance with the Massachusetts, their influence being such that they were said, "to sway all the country as they Pleased for there is not one man in ten but what are continually in their debts and beholden to trust.."

Men of large estate and influence in New Hampshire, and hostile as well, were Mason, Mr. Nathaniel Ffryer of Great Island, Mr. Thomas Daniel and Mr. Mahone of the same place, and Mr. Richard Martin who with Richard Cutt was a resident of Portsmouth. For their own private

1. J. S. Jenness,p. 81. 1678. (Title Robert Mason.)

interest they turned the Province into the hands of the invaders. Among the enemies of Gorges and the King in Maine were Major Bryan Pendleton and his coterie of small landowners. They were Captain Raynes of York , Mr. Francis Neale of Casco, Arthur Alger of Black Point, Andrew Broune of Black Point, Francis Littlefield of Wells, Henry Sawyer of York , and Peter Weare. Their interest was chiefly that in having little, they hoped for more, finding in the state quarrel an outlet for their own petty outbursts.[1] The undertaking had been one of considerable importance and its success warranted adequate recompense. Thus it was voted that Captain Robert Pike for the services he had rendered the country should be freed from paying the County rates, for the past year and on, until the Court gave further order.[2] The others had been continually well recompensed in the lands of the Provinces which from time to time were apportioned among the public servants.

1. Maine Hist. Society Coll. Ser. 2, vol. 4, p. 314. 1668. (Documentary History of State of Maine.)
2. Mass. Bay Records, vol. 4, pt. II, p. 415, Nov.7,1668.

Section IX

THE SETTLEMENT OF THE JURISDICTION OF THE NEW HAMPSHIRE AND MAINE PROVINCES IN 1677

The usurpation of the royal government in Maine in 1668 did not settle the proprietorship of the Province. In January, 1670, Ferdinando Gorges again brought the matter of proprietorship to the attention of the Privy Council when he applied to them for the restoration of his province of which, "after three years of quiet possession, the Governor of the Massachusetts again by force of arms took possession, turning out or imprisoning all officers civil and military, seizing records, acting in all things contrary to their allegiance to his Majesty, and refusing to send commissioners to attend his Majesty, according to his express command." The Lords of the Committee were of the opinion that in accordance with the evidence presented, the allegations were true and that Mr. Gorges should be restored to his province, but the manner by which should be left to his Majesty to decide.[1] His Majesty, however, was unwilling to come to any hasty decision and the case, augmented by petitions of a similar nature brought in by John Mason, Sergeant Rigby and other patentees and interested parties remained with the Lords for settlement. On August 12, the Council advised that a com-

1. Noel Sainsbury, America and the West Indies, 1669-74, #150. January, 1670

mission be appointed to go to New England to inquire into the problem of boundaries. Not until the year 1675 was anything to come of the proposal, the time in between being spent in a spasmodic and desultory discussion and examination of the matter.

Robert Mason, in the meanwhile, proposed to sell his province to the King, provided he could realize some slight return from it. He was in despair of ever realizing legitimate returns in the province itself. Hence, he offered the province to the King for the privilege of importing into England 300 tons of French wines, customs-free.[1] A contract was drawn up which remained in tentative form. Following upon the news of this business, a letter came to Mason from Robert Pike of Salisbury in New England, then visiting in London, requesting that he be persuaded to listen to such proposals of sale as he might be able to make. He intimated that he had heard that "Mason(had) been in treaty with the King about the surrender of his estate; he (hoped) it (was) not so;" if it were true, he would like to make proposals which would be altogether to Mason's advantage. The Massachusetts, Pike added, would consider a right of jurisdiction to his right of land if this would deter him from selling to the King.[2] The King

1. Noel Sainsbury, America & West Indies, #651, Nov. 13, 1671.

2. Ibid. 1669-74, #860, June 19, 1672.

had already secured Mason's word and that of Gorges that they would not sell their interests without his Majesty's permission.[1] It was evident that the Massachusetts were willing to share with Mason in the quit rents and other profits of the province. In 1673, the proprietors of the northern provinces, Ferdinando Gorges, Robert Mason and William, Earle of Stirling, together approached the King with a view to selling their estates to him. This time they considered as a fair return, "one third part of all ye customs, rents, fines and other Profits which shall be made in ye said Provinces, or such other compensation in lieu thereof as yor Matie shall thinke fitt."[2] They held this proposal up to the King as a means whereby "not only to hinder the farther incroachm^ts & usurpation of the Corporations of Boston but in a short time to reduce them alsoe under yor Matie's imediate Governmts." The proposition promised well in monetary yield, for Mason represented his province alone as capable of earning £4000 in customs. The Province of New Hampshire carried on an export and import trade amounting to thousands of tons of goods, their exports being in the form of pipe staves, fish,

1. N. Sainsbury, 1669-74, #512. April 27, 1672.
2. Maine Hist. Soc. Coll. Ser.2, vol.4, pp.34,23. (Documentary History Maine.)

masts and beaver skins.[1]

In March 1674/75 the Privy Council again took up for consideration the matter of the Mason-Gorges titles. Ferdinando Gorges prayed that he might have restored to him his province of Maine of which he had been dispossessed by the Massachusetts who had turned out the commissioners appointed by him and had divided his lands "among their own creatures." The Massachusetss had offered many thousand of pounds for his interest in the province, but he had refused, having promised not to alienate any part of the interest without the consent of the King.[2] Ferdinando Gorges represented his title as coming from the Council for New England by virtue of a series of grants dated August 10, 1622, November 7, 1629, and April 22, 1635, and that it had been heretofore acted upon favorably. Robert Mason states his claims to exist by reason of the inheriting of the province from his grandfather John Mason, who with Sir Ferdinando Gorges had been a grantee under the Council for grants dated March 9, 1620, November 7,

1. N. H. Provincial Papers, vol.7, p. 515.

Goods exported yearly from New Hampshire:
20,000 tons deales and pipe staves
10,000 Quintal fish
10 Ship loads masts
Several thousand Beaver & Otter skins

Imports: 300 tons wine, Brandy
200 goods Leeward Isles
200 tons salt.

2. G. Folsom, Documents, p. 16.

1629, and April 22, 1635. After John Mason's death, the property was administered by the wife Anne Mason, who sent Francis Norton to the country to superintend the property. Norton proved an unworthy servant, embezzling the rents and profits of the estate and in other ways despoiling the property of its value. In 1650 Joseph Mason came to New England to call Norton to account. He brought suit against Norton and his accomplices who thereupon fled to Massachusetts where they entered themselves as members of the church in Boston for "their better shelter and protection." They urged the Massachusetts to seize the province, being aided in this by Nicholas Frost who was "then Secretary to the usurpers then in England," whereupon that power in accordance with its designs to become a commonwealth, invaded the country, exacted submission and imposed taxes upon the inhabitants for the support of the commonwealth. Suits against Norton and others, were discharged by Joseph Mason under compulsion, and he was then subjected to various suits at law by them in turn in order to annoy him to the point of resigning the Province to the Massachusetts. Joseph Mason then petitioned the General Court for redress which he learned could not be obtained without submission to that Court, "although John Endicott, then Governor of Massachusetts Collony did by letter to Anne Mason acknowledge yt they did

beleeve she had right to what she did claim."[1] The attorney and Solicitor General of the nation upon hearing the evidence concerning the provinces of New Hampshire and Maine were of the opinion that the titles of Mason and Gorges were valid.[2] The Lords Committee for Trade and Plantations who had taken over the work of the Foreign Plantations from the Council of Trade and Foreign Plantations, which was in the spring of that year dissolved, advised that his Majesty require the Governor and Magistrates of the Massachusetts "to send over agents within a space of six months to answer the petitions and complaints of Mason and Gorges." Mr. Edward Randolph was appointed to carry the letter of command to Boston.[3]

Edward Randolph landed at Boston on June 10, and in accordance with his instructions he immediately called upon the Governor and made known his mission. The Governor and Council were in session on the day of his arrival and the letter from his Majesty the King with the petitions of Mason and Gorges were delivered and read. These were set aside for the time as being "very inconsiderable," of

1. J. S. Jenness, Documents, p. 54, March 1674/75

2. G. Folsom, Documents, p. 21, May 14, 1675 (Gorges title)
N. Sainsbury, America & West Indies, 1675-6, #563, May 17, 1675 (Mason's title)

3. G. Folsom, Documents, p. 23, December, 1675.

which "it did not concern the Government to take any notice." Randolph insisted that the King required an answer, to which the Governor replied that he would consider it. On June 15, the Governor sent for Randolph and informed him the the Council had resolved to send a reply to the King's letter on the ship which was then leaving. The Governor and Council regarded Randolph as being merely Mason's agent and requested that he leave. On June 23, Randolph addressed a memorial to the Governor and Council reminding them of the King's request that they send agents to England and asking that a general Council be assembled to deliberate upon an answer to the King's letter which, however, was not granted. About the first of July, Randolph went into New Hampshire, acquainting the inhabitants wherever he went with the contents of Mr. Mason's letter to the government at Boston. Many complained to him of the oppression they suffered from the Massachusetts. While at Portsmouth, there came to him several of the principal inhabitants of Yorkshire in Maine who begged him to present their petition to the King in that they had "been suffered to be ruined by the Indians for having formerly expressed their duty to His Majesty when the Commissioners were there, and for having taken commission

from them to act as Justices of the Peace."[1] At Boston, he found many of the chief inhabitants were opposed to the arbitrary proceedings of their rulers. He went to the Governor for the letters which he intended to present to the King, whereupon he was severely reprimanded for the freedom with which he had discussed the business of his mission in New Hampshire and elsewhere throughout the Colony. He was given a letter to take back with him which was a duplicate of one sent to England a month earlier.

On December 22, upon the presentation of a second petition by Mason and Gorges the King ordered a hearing to be held on January 12. The agents of the Massachusetts, Mr. William Stoughton and Mr. Peter Bulkely were required to appear at the hearing. These two gentlemen had come to England when after lengthy deliberation the magistrates of the Bay Colony concluded that it was to their interest to send agents before the Privy Council.[2] On January 10, the Massachusetts complained to the King and Council, in petition, that they had searched the entire Records Office for copies of the Mason and Gorges patents without success. They asked that they might be furnished with copies of the grants, being willing to reciprocate with a

1. G. Folsom, Documents, p. 27, Oct. 12, 1676.
   N. Sainsbury, America & West Indies, 1675-6, #1037, Sept. 20, 1676
   Ibid. #953, June 17, 1676.

2. Mass. Bay Records, vol.5, p.99ff, Aug. 9, 1676.
   Maine Hist. Soc. Coll. Ser.2, vol.4, p.363ff. (Documentary History State of Maine) Aug. 10, 1676

similar favor. They also asked that the day of the hearing be deferred, until they could acquaint themselves with the contents of the patents.

On January 19, Mason and Gorges petitioned the King and the Council that they might be accorded a speedy trial; at the same time they added that although they had furnished the commissioners of the Massachusetts with copies of their patents, they themselves were unable to secure the reciprocal favor from the agents of the Massachusetts.

On February 7, 1677, the hearing opened and the interested parties presented to the Council their claims to the government and soil of the disputed territories. The King referred the case to the Committee of Trade and Foreign Plantations who were ordered to examine the bounds claimed by each party and the patents and charters of each in order to determine the rights of soil and government to which each was entitled. The Lords Chief Justices Rainsford and North were called upon to give their assistance when the validity of the petitioners' grants were brought to question.

On April 5, 1677, the parties were again called to Council. The agents of the Massachusetts insisted upon

their right of government in the territories claimed by Mason and Gorges both by reason of their charter and because of an act of possession made by the General Court in 1652. They made no claims to the soil, but believed they were entitled to it in consideration of the great expense they had gone to for its protection. Mason and Gorges, on the other hand, claimed right to both soil and jurisdiction by virtue of the patents of their ancestors from the Council for New England. The case was referred to the Lords Chief Justices for consideration of the law involved. Mason and Gorges were requested to reduce their case to writing and to present a copy of their writing to the agents of the Massachusetts who were to establish their objection to the same in writing which they in turn were to present to the respondents of the Massachusetts. The Lords Chief Justices required a copy of the statement of each.[1]

On July 17, 1677, the Lords Chief Justices Sir Richard Raynsford and Sir Francis North made their report to the Lords of Trade and Plantations. They had appointed a day of hearing for all parties and they had received all of the papers the parties were willing to deliver, from which it appeared that the Massachusetts disclaimed title

1. N. Sainsbury, America & West Indies, 1677-80, #170, April 5, 1677

to the land claimed by Gorges and Mason and that the land in dispute was in possession of persons not present. Thereupon, the Justices held that the title of sould could not be determined without a hearing of the tertenants or their agents and directed the parties to seek justice on the place. The Justices then took up the matter of jurisdiction, the petitioners having waived their claims to the grant of government from the Council of New England, having been convinced that the Council could not transfer such power. The respondents claimed jurisdiction under their patent from Charles I which was held to be lawful. In regard to the second point having to do with the extent of the grant of government, it was held that the jurisdiction could not extend farther than the boundaries expressed in the patent and these could not be construed to extend farther northward along the Merrimac than three English miles and across the breadth of the land. The Province of Maine lying northward of three miles of the Merrimac excluded it from the jurisdiction of the Massachusetts. It was the opinion of the Justices that "the respondents the Massachusetts and their succession by their patent have such right of government as is granted by the same Patent (4 March 4 Cor.I) within the boundaries of their lands expressed therin according to the exposition before mentioned. And that the Petitioner Sir Ferdinando Gorges his heires and assigns by the patent (3 April 15 Cor.I)

have such right of government as is granted them by the same Patent within the land called the Province of Maine according to the Boundaries expressed in the same Patent."[1] The Massachusetts was clearly restricted in her jurisdiction, to the territory lying within the bounds of the patent "within the space of three English miles to the northward of the said river Merrimack."

Though the Massachusetts by this judgment of the Lords Chief Justices of England was wholly excluded from any right in New Hampshire and Maine, the magistrates of that power still hoped to continue with the jurisdiction of New Hampshire. On September 6, 1677, William Stoughton and Peter Bulkely appealed to the Lords of the Committee for Trade and Plantations for the right of government over the four towns of the Piscataqua -- Dover, Portsmouth, Exeter and Hampton. They stated that these towns had been founded some forty years earlier, but because of the poverty of natural resources were scantily populated with people of "mean and low estate," that these places had never been under any government other than the Massachusetts and that if they were separated from her government they would be left entirely without government of any kind. They asked that the said plantations might be continued under the

1. G. Folsom, Document, p. 31 ff. July 17, 1677.
N. Sainsbury, America & West Indies, 1677-80, #342, July 17, 1677.

government of the Massachusetts with which the inhabitants as by their petitions had been well satisfied, in order that the northern boundary of the Massachusetts be safeguarded against the dangers of confusion from those parts and that the inhabitants there, moreover be gratified in their request of continued government.[1] The four towns mentioned, in separate petition, acclaimed their full satisfaction with the government of the Massachusetts and sought to be continued under her jurisdiction.[2]

Among those signing to these petitions were the former friends of the Massachusetts, the Cutts, William Vaughn, Brian Pendleton, Joshua Moody, Elias Styleman, Richard Martyn, Nathaniel Ffreyer and William Seavey, representative of the best quality at Portsmouth; for Dover, the name of Richard Waldern stands out among the lesser fry; while at Exeter the name Samuel Dudley heads the list followed by Wadleigh, the Foulshams, Halls and others not so well known; Hampton's signees were for the most part insignificant new blood with the younger generation of old stock well represented, Samuel Dalton alone giving character to this group. Robert Mason declared that these subscriptions had been obtained by fraudulent means,

1. J. S. Jenness, Document, p. 64,6.
N. Sainsbury, America & West Indies, 1677-80, #399, Sept. 6, 1677.

2. N. H. Provincial Papers, Vol. 17, p.526, Oct. 22, 1677.
J. S. Jenness, Documents, p. 75,6. Title R. Mason (1678)

that the Massachusetts had induced the populace to these petitionings, some by means of their suggestions to the effect that under a new proprietor they would be turned out of their possessions, others by threats who favored a new change of government.[1]

Mason and Gorges, sensible of the fact that they could not govern their provinces in the face of so much resistance from the Massachusetts urged the King to appoint a Governor-General over the territory. The Massachusetts, they represented, because of the "wealth and revenues which they draw from thence makes them still struggle and try all means to keep them in their power and obedience."[2]

1. J. S. Jenness, Documents, p.75,6. Title R. Mason (1678)

2. N. H. Provincial Papers, Vol.17, p.529, Jan.9,1677.

SUMMARY

In the writing of this thesis the object has been to present to the reader the history of the Massachusetts in its encroachment upon the rights of soil and jurisdiction of the Provinces of New Hampshire and Maine, with a view to establishing the illegality of the acts and claims of that power. Our aim has been to present the evidence of the usurpation of the governments of the northern provinces as impartially as the documents themselves would allow, hoping that in fairness to all, the facts would declare themselves.

It seemed necessary, first, to establish the basic motive which led the Massachusetts to seek the enlargement of her bounds and this we found in the beginnings of the Massachusetts Company coming out of the origin of its charter. To us it appeared that the members of the Massachusetts Company, as Sir Ferdinando Gorges represented, were at first persuaded to seek a patent for an honorable purpose, then having obtained their first desire, they were moved by reasons not so worthy to seek an enlargement of their first grant. Thereafter they were moved in turn by fear and greed to further acts of seizure and theft. Fears of Sir Ferdinando Gorges, coming out of their first act of encroachment, coupled with a greed for the rich timber lands of the north drove the magistrates of the

Bay Colony to acts of aggression upon the Mason and Gorges proprietorships.

In the annexation of New Hampshire and Maine Massachusetts was aided by accomplices residing within the provinces. Circumstances there, moreover, favored the accomplishment of her designs. The matter of division in the major patents resulted in a confusion of land rights and government which opened the way to a settlement from without. Lack of single, sound, and united government in the Provinces was the great contributing cause for the fall of both New Hampshire and Maine to the Massachusetts. With the death of the proprietors Mason and Gorges the fault became increasingly more apparent. By an appeal to the weakness of government in those regions and a supplanting of her own strength there, the Massachusetts annexed the provinces to her.

Thomas Wiggin drove the first wedge of Puritan possession into the north by his assistance in the purchase of the Hilton Patent and his direction into Puritan channels of influence of the government established there. Reprobates from the Bay Colony, Nicholas Frost and John Underhill, accomplished the purpose. William Hilton and Francis Williams sold their approval of the annexation for a paltry savings in taxes. Knollys, Burdet and Larkham set the legitimate government into such a turmoil that the general populace was persuaded to consider a change

in government as desirable. Usurpation in New Hampshire was not carried through until local government had been everywhere completely demoralized. It was the policy of the Massachusetts never to enter a territory except upon invitation from within which she could later use as a reason for aggression.

The Province of Maine was taken into the commonwealth in the process of the quarrels over land rights within the province. The George Cleeves versus Winter-Jordan controversy over the ownership of the Machigonne opened the way to the seizure of Maine. The parallel to the Hilton Patent was the Plough Patent (Lygonea) in its results. Quarreling patentees within the Province opened the gateways of Maine to the Massachusetts invaders. The accomplices of the Massachusetts in Maine were Edward Rishworth, Thomas Wheelwright and Henry Boade. Like the Cutts, the Waldrons, Styleman and Martyn of New Hampshire, although of lesser quality, they had land and position to preserve; and in the protection of these they were willing to sacrifice the integrity of the province. The outstanding feature in the entire history of these intercolonial relations is the predominating influence of the motive of personal ambition and greed among individuals first, and in its elaboration and pervasion into affairs of state.

The stretching of the boundary line was the standard method of Massachusetts encroachment. It set the seal of

ownership upon her acquisitions. In 1639, the Massachusetts in preparation for the final step in the annexation of New Hampshire, found the boundary line by careful survey to extend to a point of 43½ degrees N. Lat. reaching above Concord. In 1652, in preparing for the subjection of Maine a similar procedure followed; very able artists discovered the latitude of the northernmost part of the Merrimac brought the Massachusetts line to the source of the river at Lake Winnepausaukee at a point, to be exact, of 43° 40' 12". The northern line was drawn to the coast crossing the so-called upper Clapboard Island in Casco Bay. The territory within these lines of survey fell to the Massachusetts by a right of charter which that government in its defense of 1677 held to be superior to the patents of either Mason or Gorges.

With the restoration of the monarchy under Charles II in 1660, and the recovery of the Mason and Gorges fortunes, the rightful proprietors, both Mason and Gorges, of the younger generation, sought a restitution of their property. The Parliament upon Geoffry Palmer's decision in 1660, declared Mason and Gorges to be the rightful proprietors of New Hampshire and Maine, respectively, and ordered a return of the property to them. To this the Massachusetts refused to comply. A commission of investigation was sent into the colonies in 1664 by order of the King for the purpose of inquiring into the conduct of the Massachusetts.

The commission failed in its purpose, being everywhere thwarted by the Massachusetts. In June, 1665, the commission set up a royal government in Maine, annulling the power of government by both Gorges and the Massachusetts in that province. Upon the departure of the commission for England in 1666, the Massachusetts with its undermining influence in the breeding of dissatisfaction among the inhabitants, again regained sway in the Province. In 1668, the Massachusetts recovered the jurisdiction of Maine and continued the exercise of her government in the Province regardless of the decrees of Parliament and of the King to the contrary.

In 1677 the right of soil and jurisdiction was definitely established to exist in the patents of Mason and Gorges. For her continued act of jurisdiction the Massachusetts could offer no legal argument of privilege. With this decision of the Lord Chief Justices of England, the commonwealth came to an end.

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